

Active Component Rapid Response Force; The Answer to the Military's Issues with Efficient and Effective Support during Response to and Recovery from Incidents of National Significance?

A Monograph

by

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Active Component Rapid Response Force; The Answer to the Military's Issues with Efficient and Effective Support During Response to and Recovery from Incidents of National Significance?

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ABSTRACT

Active Component Rapid Response Force; The Answer to the Military's Issues with Efficient and Effective Support During Response to and Recovery from Incidents of National Significance? By Major William W. Johnson, United States Marine Corps, 62 pages.

Since September 11, 2001 (9/11) heavy emphasis has been placed on securing the United States and its interests from terrorism. However, little emphasis has been placed on the importance of efficient and effective response to incidents of national significance that do not fall into the realm of terrorist activity. Future references to an incident of national significance will be assumed to be natural vice terrorist related unless otherwise stated. Chemical, Biological, Radiological, Nuclear, or Explosive (CBRNE) attacks or attacks against national security nodes are beyond the scope of this project.

The events of Hurricane Katrina brought to light significant response and recovery issues associated with emergency situations within the Continental United States (CONUS) and the efficiency of the federal military actions associated with incident of this magnitude. Through April 2006 the mainstay of guidance for the use of active military forces (Title 10) has been Department of Defense (DoD) Directive 3025.15 Military Assistance to Civil Authorities (MSCA). This directive includes a myriad of enclosures and supporting documents which outline when, where and to what extent active military personnel can assist or support civil authorities.

In an effort to streamline this effort MSCA is currently under revision and will soon be published as Defense Support of Civil Authorities (DSCA – FINAL-FOR OFFICIAL USE ONLY, Pre-Decisional). This new document attempts, in the researcher's opinion, to mitigate some of the recurring issues with the use of active component forces and to provide a more succinct document as foundation for a more efficient use of these forces. However, despite revision and new direction is present, the current organization, guidance, and policies will not provide the necessary mitigation to improve the active military's response to and support of recovery from incidents of national significance without the development of a dedicated force designed to provide quick and efficient assessment of the situation and the capability to institute initial command and control of the situation.

The recommendation of this research is the formation, by Federal Emergency Management Agency (FEMA) region, of dedicated Rapid Reaction Units (RRU). These RRUs will be trained and equipped to respond to an incident of national significance characteristic of those most prevalent within the specific region of action of the RRU. This recommendation will include key issues with the formation of the RRU to include command and control, composition, and funding as well as suggestions as how to best mitigate the use of Title 10 and Title 32 forces.

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INTRODUCTION

On 29 August 2005, the Gulf Coast of Louisiana and Mississippi were devastated by the most significant natural disaster to reach the shores of the Continental United States. Hurricane Katrina came ashore as a category 3 storm and overwhelmed the existing physical infrastructure, as well as the emergency response capabilities of state and local officials, preventing the actions to adequately deal with the magnitude of the situation.

“You can’t improvise consequence management”

Honorable Paul McHale

Assistant Secretary of Defense for Homeland Defense

Visit to Joint Task Force – Civil Support, 29 October 2004¹

As early as 25 August, there were significant predictions of the hurricane’s strength and size and initial plans began at the local level to prepare the population. There were many agencies involved in the planning, but the sheer magnitude of the storm quickly proved that the physical safeguards, levee structures, and disaster response capabilities of the coastal states were going to be far from sufficient. Mistakes made at all levels; with regard to the evacuation of citizens, movement of relief supplies into the area of concern and political in-fighting between federal, state, and local officials exacerbated the situation to the point that the response to the disaster, and recovery, were significantly hampered, to the detriment of the local populace.

The initial example used in this study is Hurricane Katrina not only because it is the most recent Incident of National Significance (INS), but because it deals with most of the critical issues that the active military will continue to face in its efforts to preserve life and protect property. The after action comments from this INS played a pivotal role in the development of both the updated Department of Defense Directive 3025.dd, Defense Support of Civil Authorities (DSCA), as well as the development of Concept Plan (CONPLAN) 2501-05.

¹ Joint Chiefs of Staff. Joint Pub 3-41, Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management, Washington DC: US GPO, 02 October, 2006, p. I-1.

Significance

The magnitude of destruction and suffering during Katrina, as well as the potential for future INS across the country, provide the significance focus of this research. How can we, as the active force tasked with preserving the life and protecting the property of the United States' citizenry, play a more efficient and effective role while continuing to meet the legal requirements and constraints as set forth by our civilian leadership?

Methodology

This researcher discovered, over the course of reviewing previous studies that there is a lack of common understanding, primarily from civilian entities, with regard to what the military may do in the realm of response and recovery in support of civil authorities. In addition there seems to be a lack of a common understanding, even within the military itself, outside of USNORTHCOM or JTF-CS. This issue of understanding is directly related to the speed and efficiency with which notification can be converted to action, specifically in a time sensitive situation where the quality of the recovery from an incident of national significance is linked directly to the speed and quality of the response. With these assumptions as a foundation this monograph will focus on the key elements of response and recovery, and how the capabilities resident within the military can expedite response and assist in recovery efforts during incidents of national significance. Its purpose is to examine the current policies and practices utilized by the DoD in its dealings with the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) in an effort to examine the current doctrine, tactics, techniques and procedures implemented during these situations of natural catastrophe. The final result desired, based on facts uncovered during this research, is a list of potential recommendations that will enhance the military's ability to assist during these operations. This researcher is not advocating Lead Agency (LA) status for the DoD in situations not directly related to national defense. However, it is hypothesized that through organization and

coordination there may be more efficient methods by which the military can enhance the federal government's ability to respond to an incident of national significance, and assist in the recovery operations needed to protect life and preserve critical infrastructure.

CHAPTER ONE

FOUNDATION

The sheer magnitude of political, military, and civil issues that surround the utilization of active component forces in response and recovery to an incident of national significance warrants the use of a regimented methodology. Such a methodology structures an examination of all potential courses of action necessary to improve existing practices as well as potential recommended changes as to how, where, and to what extent the active component forces can legally be utilized in emergency situations.

The fact that this information crosses both military and political lexicons makes it imperative that definitions of significant agencies, terms, and concepts be defined in order to provide the reader with the requisite foundation to effectively follow and understand discussions and issues addressed within the pages of this research. Though not all inclusive, Appendix 1 will address the significant definitions required to understand the complexities of this problem.

There are two key documents that drive the response to Incidents of National Significance (INS) and play a pivotal role in the recovery efforts following these events; The National Response Plan and the National Incident Management System. In addition to these two documents which are mandated by the President, there is also the Department of Defense Directive 3025.1 Military Support to Civilian Authority (MSCA) which guides federal military action during response and recovery phases of an INS. The purpose of MSCA when it was published in 1993 was “to consolidate policies and responsibilities into one document. This document will constitute a single system for all DoD components for planning, responding to, and dealing with requests from civil government agencies for military support.”² MSCA has been

² Bradshaw, Arthur L. Jr., “The Federal Emergency Management Agency (FEMA) and the Army: Emerging Missions for Emergency Management”, U.S. Army War College, Carlisle Barracks, PA, 08 Apr, 1992, p.10.

amended and is now Defense Support of Civilian Authority (DSCA) and will be discussed in greater detail in Chapter three.

In early 2003, the President published Homeland Security Presidential Directive Five (HSPD-5) which directed the establishment of the NIMS and NRP.³ In establishing the framework for this system there was an understanding that there were, and are, a wide array of events that could be classified as INS and any plan must account for this broad concept. “The NIMS represents a core set of doctrine, concepts, principles, terminology, and organizational processes to enable effective, efficient, and collaborative incident management at all levels.”⁴

An indication of the importance of this new system, past the obvious importance it is given by being a key component of HSPD-5, is the fact that compliance with the NIMS at all federal, state, local and tribal first responder sites is required in order to secure federal funds. With the NIMS as its foundation the execution of the NRP is facilitated. The NRP is designed in such a way that the entire plan is not necessarily mobilized, but is instituted in a scaleable method based on the severity of the situation. “The National Response Plan (NRP) is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents.”⁵

As with any bureaucratic organization there are significant issues bearing on the problem of how to best prepare for and respond to INS. Chapter three will go into more detail on these issues to include the Posse Comitatus Act and the Stafford Act both of which deal with the concerns governing federal participation in local, state, and tribal issues. In addition, the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) will be discussed in their role as the key links between the various involved parties. The

³ United States. Executive Office of the President, and United States. *Homeland Security Presidential Directive - Five*. Washington, DC: White House, 2004, tasking 15 and 16.

⁴ Ridge, Thomas J., and United States. Department of Homeland Security. 2004. *National Incident Management System*. Washington, DC: U.S. Department of Homeland Security, p. ix.

⁵ United States. Department of Homeland Security. 2004. *National Response Plan*. Washington DC: Department of Homeland Security, p iii.

final area of discussion, as alluded to in Chapter 2, is the discussion of DSCA as amended from MSCA as well as the establishment of Concept Plan (CONPLAN) 2501-05 and its applicability to the other “issues bearing on the problem” that have been discussed.

The Posse Comitatus Act (PCA), the Stafford Act, and Immediate Response Authority are key documents that detail the use of active component forces (Title 10) in support of State, Local, and Tribal governments during INS. Though there have been discussion at all levels concerning the validity of the PCA, as it was first passed in 1878, it still provides relevant guidelines for use of the military in response to domestic issues. Though some would argue that the PCA inhibits the military’s ability to respond effectively when needed, there is sufficient legislation that provides the needed guidance and direction for the use of military forces (Title 10) that does not, in and of itself, violate the premise of the PCA. The second key piece of legislation detailing the use of active component forces is the Stafford Act, which specifically authorizes the President to establish programs for disaster preparedness and response.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act is a;

“The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5121 et seq., is designed to provide a means by which the federal government may supplement state and local resources in major disasters or emergencies where those state and local resources have been or will be overwhelmed. The Act provides separate but similar mechanisms for declaration of a major disaster and for declaration of an emergency. Except to the extent that an emergency involves primarily federal interests, both declarations of major disaster and declarations of emergency must be triggered by a request to the President from the Governor of the affected state.”⁶

What should be kept in mind is that in the same way PCA limits the ability to use active component forces in a law enforcement role the Stafford Act requires active component forces to support civil authority with support functions that assist in the response and recovery phases of an

⁶ Bazan, Elizabeth B., CRS Report for Congress, *Robert T. Stafford Disaster Relief and Emergency Assistance Act: Legal Requirements for Federal and State Roles in Declarations of an Emergency or a Major Disaster*, Washington DC, 2005, p.4.

INS. There are, however, exceptions to the Stafford Act and PCA with regard to the use of military forces in domestic events.

The military possesses significant capability for command and control, medical, and transportation which sets the conditions for one of the exceptions to the strict guidelines of PCA and the Stafford Act under an Immediate Response Authority. These conditions, however, do not negate PCA but simply provide for some leniency in order to facilitate quicker response to protect life and preserve property.

“Under imminently serious conditions, when time does not permit approval from higher headquarters, any local military commander, or responsible officials of DoD Components may, subject to any supplemental direction that may be provided by their higher headquarters, and in response to a request from civil authorities, provide immediate response to save lives, prevent human suffering, or mitigate great property damage.”⁷

The Department of Homeland Security (DHS) was established under Title I of the Homeland Security Act, 2002. The act involved the largest governmental reorganization in more than 50 years, since the Defense Reorganization Act of 1947. The newly established DHS consolidated many of the departments and organizations responsible for the security of the United States prior to 9/11. For the purpose of this research one of the most significant changes was the consolidation, under DHS, of the Federal Emergency Management Agency. This effectively changed its status from a stand-alone agency and brought it under the purview of DHS.

The Federal Emergency Management Agency (FEMA) was established under Executive Order 12148, Federal Emergency Management. This order states that;

“All functions vested in the President that have been delegated or assigned to the Federal Disaster Assistance Administration, Department of Housing and Urban Development, are transferred or reassigned to the Director of the Federal Emergency Management Agency, including any of those functions re-delegated or reassigned to the Department of

⁷ United States. Department of Defense. 2006. DoD Directive 3025.d, Defense Support OF CIVILIAN Authority, p. 9.

Commerce with respect to assistance to communities in the development of readiness plans for severe weather-related emergencies.”⁸

DHS and FEMA are the agents responsible for organizing and implementing the type and scope of response to INS to include, with the use of the NRP and NIMS, the magnitude of active military participation. One of the guiding documents, in this organization of assets, response and recovery initiatives, is the amended MSCA, discussed earlier, which has become the Defense Support of Civilian Authority (DSCA). In addition there are three limitations to MSCA, which will be carried forward to the new DSCA; 1) DoD personnel cannot provide assistance to civilian law enforcement (arrest, search, and seizure) under this directive, 2) Civilian resources must be used before military resources, and 3) Such resources must have been determined to be insufficient to meet the demands of the emergency. The final issue that must be addressed with DSCA is that, unless the Secretary of Defense deems otherwise, the military’s non-DSCA missions will always take precedence.⁹

DSCA has taken many of the supporting documents and references associated with DoD Directive 3025.1 (MSCA), and incorporated their functions into DSCA. This has created a more succinct document that should provide for more effective utilization and understanding of the necessary aspects of military support to civilian authority.

Per the direction of the Joint Strategic Capabilities Plan (JSCP) 02 Change 1, Regional Tasking 9, CDRUSNORTHCOM was directed to develop a functional plan (FUNCPLAN) to better direct the support of state, local, and tribal governments by active component forces executing DSCA. Though referred to as a FUNCPLAN, current joint guidance has eliminated the term functional plan in favor of concept plan (CONPLAN). Hence, the document title is

⁸ United States Government, The National Archives, The Federal Register, *Executive Order 12148; Federal Emergency Management, Section 1-102*, <http://www.archives.gov/federal-register/codification/executive-order/12148.html>.

⁹ Davis, Lynn E., Richard R. Brennan, Michael D. Greenberg, K. Scott McMahon, David E. Mosher, and Charles W. Yost, *Army Forces for Homeland Security*, Santa Monica, CA: RAND Corp, 2004. p. 64-65.

CONPLAN 2501-05. Concept Plan (CONPLAN) 2501-05 has been developed and published by US Northern Command (USNORTHCOM) for the following purpose: “The Department of Defense (DOD) has a long history of supporting civil authorities in the wake of catastrophic events and, when directed by the National Command Authority (NCA), USNORTHCOM will respond quickly and effectively to the requests of civil authorities to save lives, prevent human suffering, and mitigate great property damage.”¹⁰

In chapter 4 the research will address some of the major INS that have occurred within the United States. The examinations of these INS are necessary in order to gain an appreciation for the magnitude of an INS and its affect on both the military and civil leadership. In addition this discussion will provide insight into the communication process between the federal government and the state governmental leadership. The goal is to show the active component force’s participation in these events and to examine the efficiency and effectiveness of the military effort to assist civil authority.

The two hurricanes that will be studied are Hurricane’s Andrew and Katrina. Both storms produced significant destruction, economic hardship, and homelessness. Both have significant After Action Reports (AAR) which detail some of the more pressing issues with regard to military assistance; and both have similar AAR comments with regard to what needs to be addressed to mitigate problems during future events.

The riots chosen for examination, the Watts Riot of 1965 and the LA Riots of 1992, both occurred in Los Angeles. In this, as with the hurricane discussion, there are AAR comments detailing the use of active component forces. The main difference between these two events, however, is that in 1965 active military units were not employed. The potential of their use was discussed and issues such as the Insurrection Act and Posse Comitatus were addressed, but the final decision by both the federal and state government was not to use active forces. In 1992,

¹⁰ Department of Defense. USNORTHCOM. *CONPLAN 2501-05*, 11 April 2006, p.1

however, this was not the case. The LA Sheriff's Department and the LA Police Department received significant assistance from active forces of both the Army and Marine Corps. In addition, there was discussion of federalizing the California National Guard to increase the efficiency of the military effort in Los Angeles.

The significance of recent INS, the capabilities possessed by the military, the coordination required between military and civil authorities to efficiently and effectively respond and recover from an INS, and the current guiding documents (PCA, Stafford Act, Immediate Response Authority, DSCA, CONPLAN 2501-05) have made this a very interesting topic of research. In recent years there have been significant studies done on military support for and to civil authority. These have been done by private corporations as well as the government and have resulted in significant information that provides validity to the present research.

The first of these studies is The Hart-Rudman Commission of 2001. The U.S. Commission on National Security/21st Century commissioned the study and Senators Hart and Ruddman were co-chairs, hence the name of the commission. This study was broken up into three phases. Phase I (1998-1999) dealt with the evolution of the world over the next twenty five years. Phase II (August to April 2000) was concerned with devising a National Security Strategy for 2025. Phase III (2000-2002), the portion of the study examined in this research, dealt with significant recommendations for changes in the Executive and Legislative branches to contend with issues that would be present in 2025.¹¹ The time period covered by this research makes it extremely relevant to active component forces now being prepared to assist civil authorities during occurrences of INS.

The second study examined is The Gilmore Commission. This was a group of people that formed The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. This panel published five annual reports, the reference

¹¹ US Commission on National Security/21st Century, Hart-Rudman Commission, <http://www.au.af.mil/au/awc/awcgate/nssg/>, p. 1.

for this research being the fifth and final report. The panel's recommendations, 125 of a total of 144 recommendations from the fourth annual report, have been incorporated into the current defensive systems of the United States. The commission discusses specific recommendations for the use of active component forces in this fifth and final edition.

The third study examined was conducted by The Heritage Foundation Homeland Security Task Force. It convened shortly after the September 11 attacks and was composed of some of the best homeland security experts in the world. This group saw the need to develop the main priorities for action at all levels of government. This was done, potentially, for two reasons; 1) The group realized that the attacks of September 11 made the need to describe the threat or discuss the priority of homeland security, within the context of other national priorities, no longer valid¹² and 2) in an effort to ensure the nation's security from further attack, whether man-made as 9/11, or INS that causes catastrophic damage to infrastructure.

RAND Arroyo has conducted many studies on the military in an effort to examine methods to increase military effectiveness and efficiency. This research looks at the studies done in 1993 and 2004. The 1993 study concentrated on the active Army's support during domestic disasters and the 2004 study examined how Army forces could be better utilized for homeland security. For the purpose of this paper, the examination by this researcher of the RAND study focuses on how their recommendations would apply to INS not based on a CBRNE or other terrorist attack. Though RAND looked specifically at the Army, its recommendations could be attributed to the military or joint force, as a whole.

The significance of this research has been briefly addressed above. However, in order to understand the intricacies of some of the discussion it is necessary to have a foundation in the terms used and the organizations that contribute to this dialogue. In addition, it is also necessary

¹² Heritage Foundation (Washington, DC). Homeland Security Task Force, L. P. Bremer, and Edwin Meese. 2002. *Defending the American Homeland: A Report of the Heritage Foundation Homeland Security Task Force*. Washington, DC: Heritage Foundation, p 1.

to have a basic understanding of the statutory documents, military directives and executive plans that encompass the active component's support of, and to, civil authority.

CHAPTER TWO

KEY DOCUMENTS

The National Incident Management System and the National Response Plan are the key documents that drive how, when, and to what extent active component forces play a role during INS. In addition there are numerous DoD directives that play a pivotal role as well. The final document that will be addressed in this chapter, and further explained in Chapter 3, is Defense Support of Civilian Authority (DSCA) which represents the guidelines for how DoD will support civilian authority. Definitions for key terms are covered in Appendix 1. These terms, agencies and concepts will assist in understanding the significance of this subject and will, hopefully, augment the validity of the research.

National Incident Management System

“Development of NIMS and NRP involved extensive coordination with federal, state, local and tribal agencies, NGOs, Private-sector, first responders and emergency management also DHS Preparedness Directorate”¹³

The National Incident Management System (NIMS), as defined in Appendix 1, was mandated by HSPD-5 in February of 2003. This system was designed with the express purpose of consolidating incident management across all agencies from the federal to local/tribal level. Since early 2004 all federal, state, local and tribal first responders have been required to be trained on, and proficient in, the use of NIMS in order to receive homeland security funding. This also includes National Guard forces and select units within the active component of the military. HSPD-5 also includes a directed implementation plan for NIMS that ensures compliance across all agencies at the federal, state, local, and tribal levels.

Phase I: Initial Staff Training	2 months
Phase II: Identification of Relevant Plans, Procedures, and Policies	3 months

¹³ United States. Department of Homeland Security. National Incident Management System FY 2006 Compliance Activities, http://www.fema.gov/txt/emergency/nims/nims_briefing.txt, p. 1.

Phase III: Modification of Existing Plans, Procedures, and Policies	9 months
Phase IV: Supporting NIMS Integration Center Standards	3 months

What makes the NIMS successful, or sets the conditions for its successful utilization, are five key features; 1) Incident Command System (ICS); 2) Communication and Information Management; 3) Preparedness; 4) Joint Information System (JIC); and 5) the NIMS Integration Center (NIC). NIMS, however, works in concert with the National Response Plan (NRP).

National Response Plan

The National Response Plan is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents and is further defined in Appendix 1. The effectiveness of the NRP hinges on the use of NIMS to execute the primary functions of the NRP. Key within the NRP are the 15 Emergency Support Functions that cover a broad range of issues that have been deemed essential for effective and efficient response to an INS. The NRP is applicable across all federal agencies. Similar to NIMS the NRP has its own implementation plan, three phases, with the same requirements for federal funding.

Phase I – Transitional Period lasting from 0-60 days

- Modify Training
- Designate staffing of NRP organizational elements
- Become familiar with NRP structures, processes, and protocols

Phase II – Plan Modification lasting from 60-120 days

- Provide departments and agencies the opportunity to modify existing Federal interagency plans to align with the NRP and conduct necessary training

Phase III – Initial Implementation and Testing lasting from 120 days to 1 year

- Four months after its issuance, the NRP is to be fully implemented
- All other documents associated with the Federal Response Plan are superseded

Other Documents of Relevance

DoD Directive 5525.5 DoD Cooperation with Civilian Law Enforcement Officials, Jan 1986 w/ chg 1 Dec 1989, forms the foundation for the eventual publishing of DoDD 3025.dd Defense Support of Civilian Authority. This directive had its foundation in the Cold War Era

civil defense directives published by the government to inform and protect the civilian population in the event of a nuclear attack by the Soviet Union.

The next major DoD document to be published was the Civil Disturbance Plan, Feb 1991, which dealt more specifically with issues dealing with civil disturbances that were above the capability of local law enforcement personnel. This OPLAN superseded Department of the Army Civil Disturbance Plan dated 01 Mar 1984 (Garden Plot). Though this OPLAN was army specific in its authorship and authority; "The DA Civil Disturbance Plan, known as Garden Plot, provides guidance to all DOD components in planning civil disturbance missions."¹⁴ Specifically this revision of OPLAN GARDEN PLOT was due to 1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986; 2) The need to clearly establish a direct line of operational authority for domestic civil disturbance operations; and 3) Various organizational changes and redesignations among DoD components.¹⁵

DoD Civil Disturbance Plan was followed, within two years, by DoD Directive 3025.1, Military Support to Civilian Authority. This directive superseded the DoD Civil Disturbance Plan and coordinated the inclusion of the 1980 DoD Directive Military Assistance to Civil Authorities (MACA) as well as canceling the 1981 Directive on Military Support to Civil Defense (MSCD). The main stated purpose of this directive was to "consolidate all policy and responsibilities previously known as Military Assistance to Civil Authority applicable to disaster-related civil emergencies within the United States, its territories, and its possessions."¹⁶ DoDD 3025.1 was a continuing effort to define the specific role of the DoD during the response and

¹⁴ Morales, Frank, *The War at Home; U.S. Military Civil Disturbance Planning [Origins of Operation Garden Plot: The Kerner Commission]*, http://www.thirdworldtraveler.com/FBI/GardenPlot_FMorales.html, p.10.

¹⁵ United States. Department of the Army. 1991. Department of Defense Civil Disturbance Plan. Washington D.C., p i.

¹⁶ United States. Department of Defense. DoD Directive 3025.1, Military Support to Civilian Authority, 1993, p. 1.

recovery phases of INS and the most efficient method for it's employment taking into account the legal obligations, or ramifications, of the PCA.

The latest attempt to consolidate and organize all of the tasks, functions, and direction included in MSCA is an incorporation of all references from DoDD 5525.5, MSCA, and MACDIS which is published in the form of DoDD 3025.dd Defense Support of Civilian Authority (DSCA). Published in 2006, as a Pre-Decisional document, DSCA is intended to streamline the support of civil authorities by defense assets.

More on DSCA will be covered in chapter 3, but it is important here to tie NIMS, NRP, and DSCA together to give a clearer picture of how the military plays a part in the response and recovery phases of INS. It also sets the conditions for discussion of specific case studies and previous research detailing the support provided by active component forces to INS. There are, however, two key pieces of legislation and one military mandate that play a pivotal role in the scope of active component forces participation in any INS: the Posse Comitatus Act, the Stafford Act, and the military's obligation with regard to Immediate Response Authority.

CHAPTER THREE

ISSUES BEARING ON THE PROBLEM

The Posse Comitatus Act (PCA), Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and the military's Immediate Response Authority (IRA) all form the cornerstone of the rules and regulations that govern the use of active component forces in support of civil authorities. Along with these documents are the foundation agencies involved in any significant catastrophic event which center primarily on DHS and FEMA. In recent years, post 9/11 specifically; there has been a move to make some adjustments to this legislation. The rationale behind this push is to more clearly delineate more clearly the responsibilities of the active component force (Title 10) when working with civil authority. This effort is captured in the recently released DSCA and CONPLAN 2501-05. How, though, do all of these issues come together?

The Posse Comitatus Act

The Posse Comitatus Act (PCA) was signed in 1878 at the end of Reconstruction. It had the expressed purpose of returning the federal forces to traditional Army roles and responsibilities associated with the defense of the country and away from the extensive involvement in the civil matters necessary at the end of the Civil War. "The Posse Comitatus Act was passed to remove the Army from civilian law enforcement and to return it to its role of defending the borders of the United States"¹⁷. It also reinforced the importance of the subjugation of the military to civilian authority within the borders of the United States. Though PCA has been viewed as the "end all be all" of separation between federal and state powers there are some statutory exemptions which must be understood. The Insurrection Act (1807) and Military Support for Law Enforcement

¹⁷ Trebilcock, Craig T., The Myth of Posse Comitatus, <http://www.homelandsecurity.org/journal/articles/Trebilcock.htm>, October 2000, p.1

Agencies are two of the key statutory documents that provide some exemptions to PCA for the federal government.

Per 10 U.S.C. Para 331-335, which covers Presidential authority under the Insurrection Act, states “the President has the authority to call forth the military during an insurrection or civil disturbance”¹⁸. Prior to utilizing the Insurrection Act, or the powers that it provides, the President does need to consult with the U.S. Attorney General to ensure the legal parameters are met for its implementation. The main precursor to the use of active component forces to quell insurrection or civil disturbances, past a request from the governor of the state, is a proclamation ordering the insurgent/civil disturbance activity to cease and desist within a short amount of time. If this deadline is not honored, a Presidential Executive order authorizing the use of federal troops can be legally issued and executed.

Per 10 U.S.C. Para 371-382, which covers Military Support for Law Enforcement Agencies, federal troops are authorized to assist civilian law enforcement with equipment and information. This authorization, however, stops short of approval for the direct involvement of federal troops in the conduct of search and seizure and powers of arrest. There is one more exemption to the PCA, though not statutory in nature, which is known as Inherent Emergency Power. This is very similar, in context, to the military’s Immediate Response Authority and will be covered in a later paragraph.

The above statutory exemptions, though, do not apply to the Coast Guard as they are part of the DHS and not part of the DoD, unless directed. These exemptions are also of no consequence to the National Guard forces of each state, unless they are federalized by executive order. As a point of explanation the difference between Title 10 and Title 32 deals with who has direct control of forces. Title 10 forces are federal and answer to the DoD and Title 32 forces are state controlled and answer to the governor of each state. Federalizing state forces requires a

¹⁸ Elsea, Jennifer, CRS Report for Congress, *The Use of Federal Troops for Disaster Assistance: Legal issues*, Washington DC, 2006, p.2.

request, from the governor, to the President and is normally a result of state agencies becoming overwhelmed with the magnitude of the situation. A situation requiring federalization of state forces bridges the issues between PCA and the Stafford Act.

The Robert T. Stafford Disaster Relief and Emergency Assistance Acts

The Robert T. Stafford Disaster Relief and Emergency Assistance Acts passed in order to make federal funds available for states that have been devastated by natural or man-made disasters. The federal aid is not limited to funding, but also includes the ability to utilize federal troops for certain functions. This funding is also used to pay state forces that may be federalized, after state request for assistance. This does not serve, however, as a statutory exemption to PCA. The Stafford Act, on its own, does not provide the authorization for the employment of federal troops for the maintenance of law and order. It does allow the employment of these troops to assist in debris removal, search and rescue, emergency medical care, and other essential needs to name but a few. The provisions under the Stafford Act also allow for federal troops to provide technical assistance and advice to state and local authorities regarding consequence management. As stated earlier these restrictions do not apply to National Guard forces unless they are federalized under Title 10. As an example, given in the Congressional Research Service (CRS) Report for Congress dtd 14 August 2006,

“Patrolling in civilian neighborhoods for the purpose of providing security from looting and other activities, would not be permissible, although patrolling for humanitarian relief missions, such as rescue operations and food delivery would not violate the PCA.”¹⁹

Immediate Response Authority

The final issue to be discussed, with regard to active force participation in INS, is the military commander’s Immediate Response Authority (IRA). IRA is normally applied to a

¹⁹ Elsea, Jennifer, CRS Report for Congress, *The Use of Federal Troops for Disaster Assistance: Legal issues*, Washington DC, 2006, p.4.

commander who is in the local area of an INS. Specifically, the DoD allows commanders to provide assistance to civil authorities without an official declaration under the Stafford Act when the capabilities of local authorities are overwhelmed, thus preventing them from being able to adequately protect life and prevent human suffering.²⁰ As an example; in September of 1992, during the impact of Hurricane Andrew, the rare occurrence of a hurricane in Hawaii materialized. Due in part to geographic location, as well as necessity, the local division commander executed operations to assist under the guise of Immediate Response Authority. The following is based on an account by Mr. Charles Soby of what 25th ID accomplished over the course of its relief efforts during Hurricane Iniki.

25th ID supported Hurricane Iniki relief efforts...Sep 92 for ~ 30-45 days. These relief operations were conducted on two islands: Oahu and Kuai. Oahu relief focused on assisting in and cleaning up debris and providing food and water until normal service could be restored. Due to the fact that most of Oahu was spared from major damage, this area included Honolulu and Scholfield Barracks, work on Oahu moved rather rapidly. This effort was conducted by DIVARTY with its three battalions, minus some HMMWVs given to Signal Bn. The efforts on Kuai were more extensive as this island was “wiped out”. The 25th ID TAC established C2 using MSE to both the Main at Scholfield and the civilian EOC in Honolulu. Many of the division’s MSE capable assets, including vehicles with MSRTs and three personnel deployed soon after the hurricane passed. The division used these to establish an ad hoc 911 system by locating assets in police and fire stations and throughout populated areas. Many of the division’s “chain saws” deployed with three licensed personnel to assist in clearing debris. For example, each Artillery Battalion had over 50 36” chain saws.

We adapted our Search and Attack doctrinal/SOPs knowledge to a Search and Rescue operational construct. The DRB was assigned this mission. It was T/O with the Attack

²⁰ Ibid, p.5.

Helicopter Battalion and used its organic infrared to identify “hot spots” among the rubble in rural areas. They also used one company of lift helicopters and additional HMMWVs from non-deploying brigades, to move infantry personnel around. The Direct Support Artillery Battalion supported infantry by conducting the evacuation portion of the rescue. This battalion also set up the initial shelter areas. In a further example of flexibility it should be noted that the DS Arty was adapting procedures to be used during Non-Combatant Evacuation Operations (NEO) as this unit was the Evacuation Control Center.

The division used its DRB deployment plan as the basis for moving assets into Kuai. It self deployed (lift helicopters), used commercial air and military air (CH-47) and the 45th Support Group barges to move. Key to the response from 25th ID was that the first helicopters left Scholfield Barracks within an hour of the winds being reduced to within tolerances, led by C2 and then search assets. The division ended up deploying the DTAC, Brigade HQs, two Infantry Battalions, DS Artillery Battalion, Signal Battalion, Engineer Battalion (-), Attack Aviation TF with aviation support, FSB (+), and limited portions of the 45th Support Group (CH-47s, airfield package).

The response from the state and federal government, according to this account, was well within acceptable limits. This aid arrived in Honolulu within 30-36 hours. Hence the actual direct support provided by the division was completed in about seven days. The situation, however, does showcase the capability active component forces possess to respond effectively to INS.²¹

That said, how are the above statutory regulations and various agencies coordinated in order to provide an efficient and effective response to INS? This question will occupy the remaining portion of this chapter as it entails descriptions of the DHS, FEMA and an examination of the current DSCA and CONPLAN 2501-05.

²¹ Mr. Charles Soby is a Civilian contract instructor at USACGSC and served as one of the Logistics Officers of 25th ID during Hurricane Iniki.

Department of Homeland Security

The DHS was designed from its inception to be the coordinating body for over 20 different government agencies. These agencies are currently further organized under five different undersecretaries; Management, Science and Technology, Information Analysis and Infrastructure Protection, Border Transportation and Security, and Emergency Preparedness and Response (see figure 3-1²²). The development of DHS has, to some degree, re-aligned hierarchical positions of some of the agencies. One significant change was the realignment of FEMA, a cabinet level agency dating back to 1979, to a separate agency under the Emergency Preparedness and Response undersecretary, and the appointment of the Undersecretary for Emergency Preparedness and Response as the Director of FEMA. By doing this FEMA retains direct connection to the President and maintains the ability to respond effectively and efficiently when tasked.

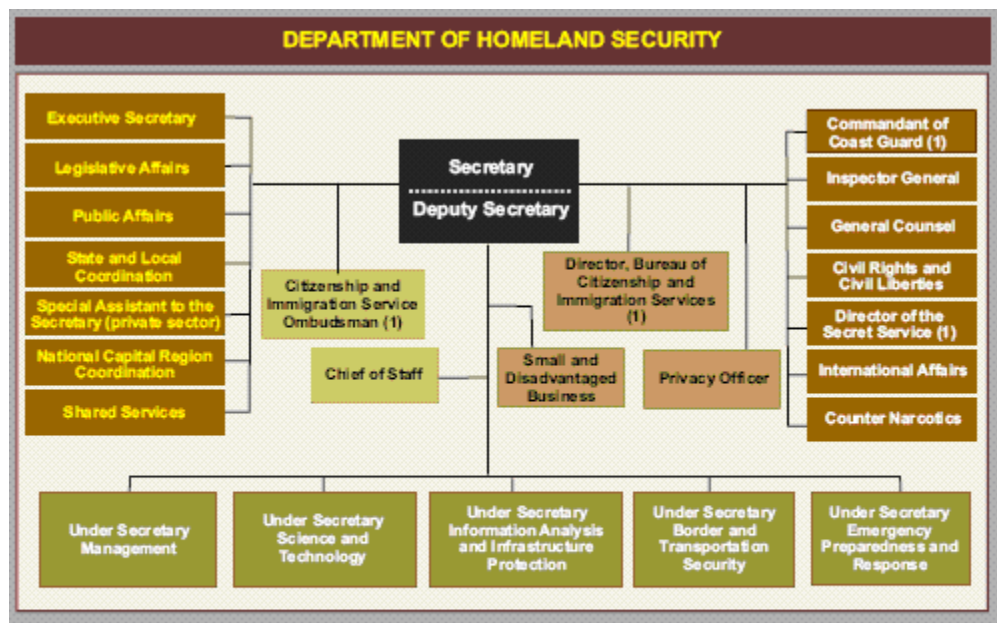


Fig 3-1

²² United States Department of Defense, Joint Publication 3-26; Homeland Security, 02 August 2005

Federal Emergency Management Agency

FEMA, defined earlier and briefly discussed above, was created by Executive Order 12148 (July 1979) as a result of Reorganization No 3 of 1978. This was an attempt by President Carter to streamline the cost and organizational structure necessary to respond effectively and

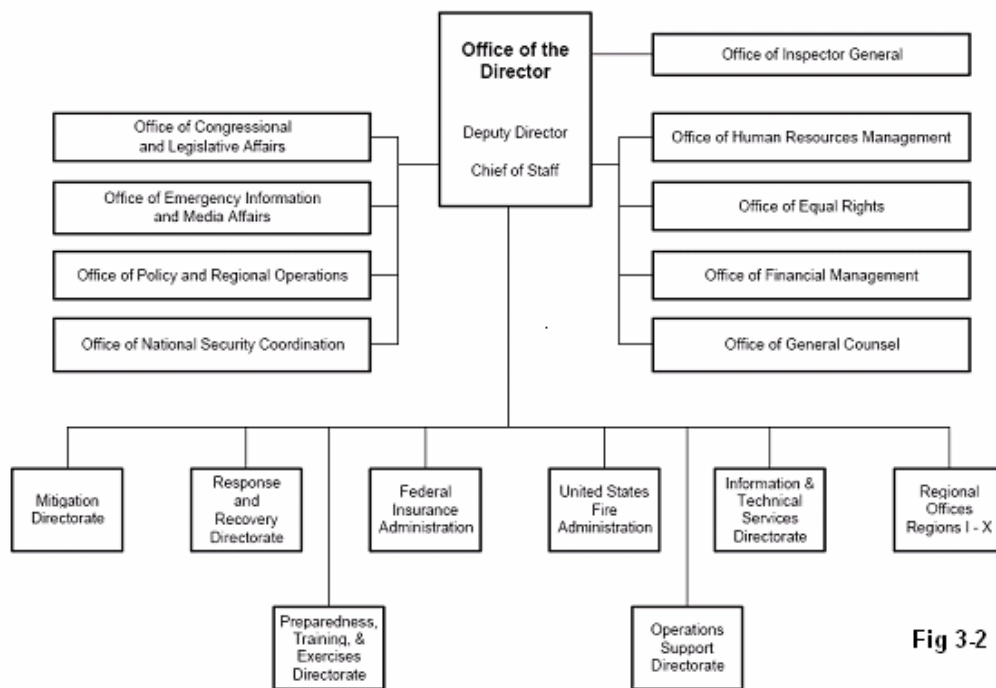


Fig 3-2

efficiently respond to INS (see figure 3-2²³). FEMA has come under increasing scrutiny since Hurricane Katrina for its lack of effective response to the disaster. The situation has resulted in some discussion of dissolving the agency/organization and realigning the role and mission within the greater DHS. The depiction in figure 3-3 has been updated due to the numerous changes required post 9/11. With INS such as Hurricane Katrina and the potential of future INS, though, it is still far short of a removal of the organization. The current organizational chart (see figure 3-3²⁴) is a more accurate depiction of what responsibility lies with which office within FEMA and it

²³ Bea, Kieth, CRS Report for Congress, FEMA and Disaster Relief, 06 March 1988, p. 36.

²⁴ Hogue, Henry B., and Keith Bea, CRS Report for Congress, Federal Emergency and Homeland Security Organization; Historical Developments and Legislative Options, 01 June 2006, p. 6.

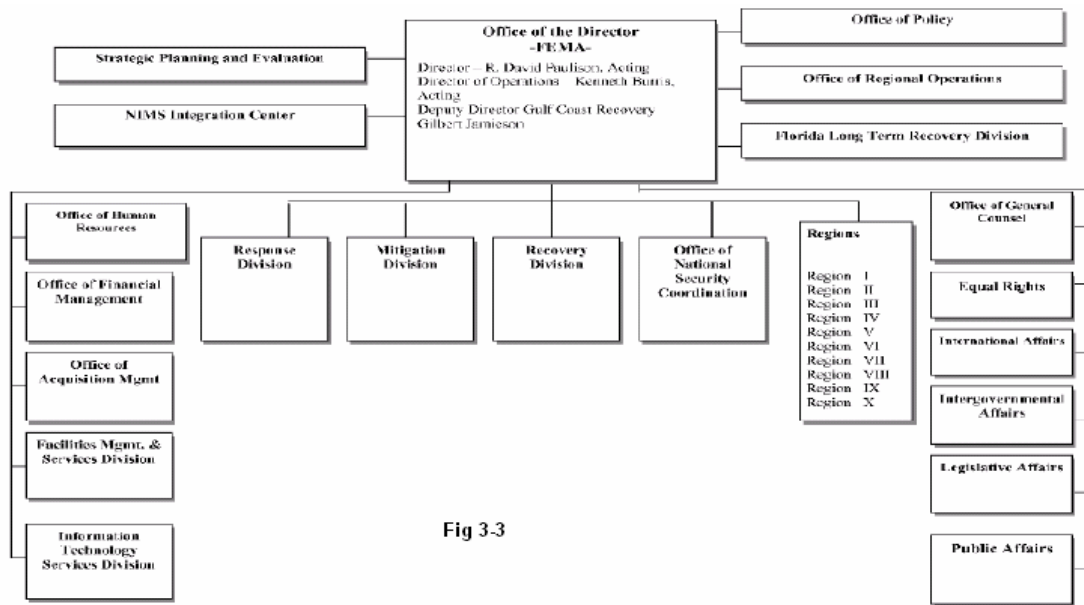


Fig 3-3

plays a key role in the evolution from MSCA, discussed earlier, to DSCA which will be included in the following paragraph. Why is an update to DoDD 3025.1 (MSCA) needed?

Defense Support of Civil Authority

The stated purpose of DSCA is very similar to the one published in 1993 when MSCA was being drafted. This purpose, basically, is the identified need to consolidate the various functions within the active component that would be available to support civil authority. One of the key aspects of DSCA is what it provides;

“DSCA is provided in response to requests for assistance from civil authorities to prepare, prevent, protect, respond and recover from domestic incidents including terrorist attacks, major disasters, and domestic special events.”²⁵

What is significant about DSCA is the C2 structure, within USNORTHCOM, that makes its utilization possible. USNORTHCOM has Combatant Command Authority (COCOM) over an Air Force Service Element, an Army Service Element, and a Marine Service Element and also has a Navy Supporting Commander as would be expected in any Regional Combatant Command

²⁵ United States Department of Defense, Department of Defense Directive 3025.dd, *Defense Support of Civil Authority (DSCA)*, Washington DC, 2006, p.7.

(RCC). It also has COCOM over Joint Task Force North (JTF-N) and Joint Task Force Civil Support (JTF-CS) which are standing JTFs not present in any other RCC.

In addition to the combatant commanders that a RCC would normally have Operational Control (OPCON) of (JFACC, JFLCC, JFMCC) USNORTHCOM, as the RCC responsible for DSCA, also has OPCON, as required, of active component JTFs and dual-hat JTFs (active component and state forces under one JTF). This expanded OPCON enables USNORTHCOM to respond more effectively to requests for support from civil authority. There is also a significant coordination requirement levied on USNORTHCOM to work with the Commandant of the Coast Guard and with the National Guard Bureau to effectively execute State Active Duty (SAD) or Title 32 JTFs effectively. One of the documents developed to assist in this endeavor is Concept Plan (CONPLAN) 2501-05.

Concept Plan (CONPLAN) 2501-05

CONPLAN 2501-05 was developed in 2005 based on the need to have a formal plan of action, or concept, to support civil authorities if an INS should occur. In part it is designed to mitigate some of the confusion with PCA, the Stafford Act and the military's obligations under its Immediate Response Authority. The intent, as well, is to provide for a more efficient and effective response from active component forces to the site of an INS. Providing DSCA, per CONPLAN 2501-05, is a five phased operation (see figure 3-4²⁶);

²⁶ United States Department of Defense, Joint Publication 3-28, Civil Support; First Draft, 30 June 2006, p. 102

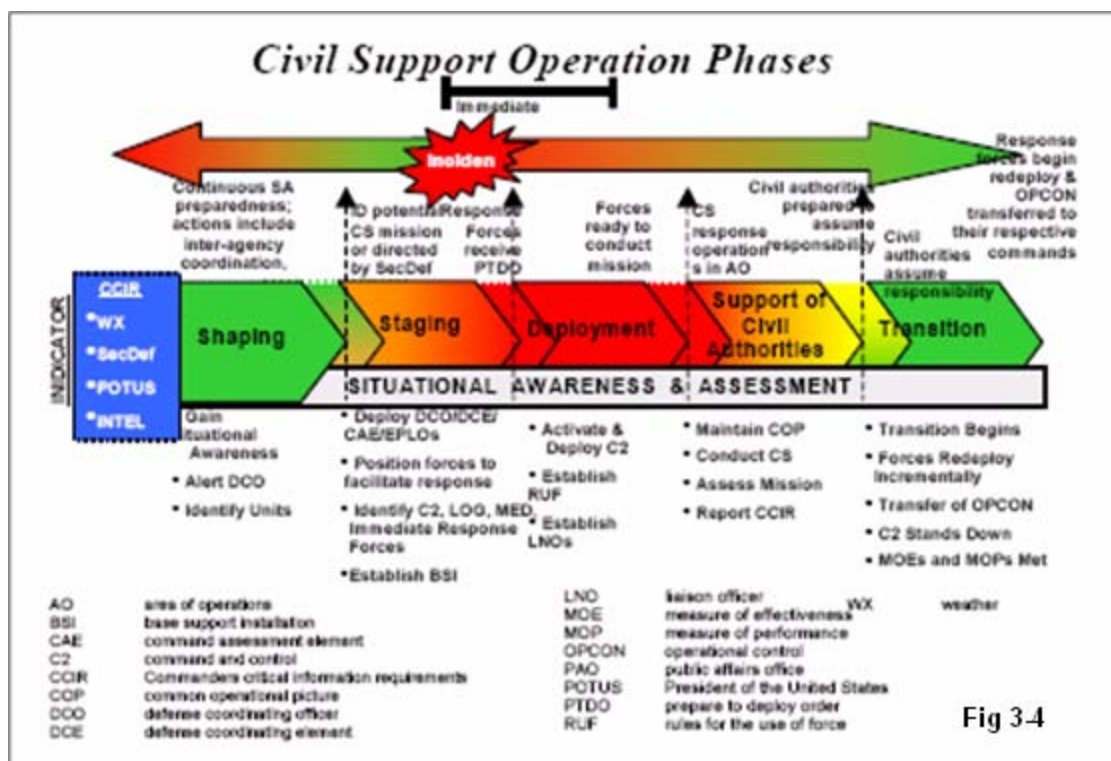


Fig 3-4

Phase I, Shaping. Phase I is continuous situational awareness and preparedness. Actions in this phase include inter-agency coordination, exercises, and public affairs outreach (which continues through all phases).

Phase II, Staging. Phase II begins with the identification of a potential DSCA mission, or when directed by SecDef. The phase ends with DSCA response forces in receipt of a prepare to deploy order (PTDO). Phase II success equals DCO/DCE deployment, coordination with state, local and tribal officials, and response forces positioned to facilitate quick response.

Phase III, Deployment. Phase III begins with the initial response force deployment. However, force deployment can occur at any time, in any phase except Phase I, Shaping. Because of the nature of DSCA operations, forces will likely deploy into and out of the DSCA JOA for the entire length of the DSCA operation. The phase ends when response forces are ready to conduct operations in the JOA. Phase III success equals forces deployed with enough capability to accomplish the mission.

Phase IV, Support of Civil Authorities. Phase IV begins when DSCA response operations commence. The phase ends with civil authorities prepared to assume responsibility for operations. Success equals civil authorities ready to respond effectively to continuing requirements.

Phase V, Transition. Phase V begins with civil authorities assuming responsibility with no degradation of operations. The phase ends when response forces begin redeployment and OPCON is transferred to their respective commands. Success equals a complete transfer of responsibilities to civil authorities.

USNORTHCOM does, however, have nine collateral plans that can be executed before, during, or after the initiation of CONPLAN 2501-05. These plans, though, do not add any significant understanding to the present research so their mention is limited to their association to the current CONPLAN.

Thus far we have discussed NIMS, NRP, PCA, the Stafford Act, IRA, the DHS and FEMA as well as the guiding documents for active component forces support to civil authority, DSCA and CONPLAN 2501-05. More importantly, prior to their existence, how effective and efficient was active component force support? These questions are explored in the following chapter by examining two types of INS, natural disaster and civil disturbance. Four historical case studies are used as examples.

CHAPTER FOUR

HOW FAR HAVE WE COME?

The last decade has provided numerous examples of INS. Specific to this research are two hurricanes and two riots. These incidents will provide ample opportunity to examine the response and recovery actions of active component forces. Special attention will be paid to the utility or potential of active component forces (Title 10) in these events as well as how the foundation documents, discussed earlier, were utilized or not utilized. In order to more accurately understand the ramifications of active component inclusion or exclusion in response and recovery efforts associated with INS the attempt will be made, in the following discussion, to establish a model for comparison. The four case studies are presented in chronological order. Each is examined from the stand point of active component organization during the 1965 (Watts Riot), 1992 (LA Riot and Hurricane Andrew), and 2005 (Hurricane Katrina).

Nineteen Sixty-Five

Watts Riot

Large-scale protests, marches, and non-violent action are hallmarks of American civil society. The intent, for the most part, is peaceful assembly in an effort to air grievances of a particular group or segment of society, which is a right guaranteed by the United States Constitution. In 1965, however, the country was in the beginning of the civil rights movement, the early stages of the women's rights movement, and a host of other culturally generated initiatives. Many of the protests, marches, and calls for non-violent action in support of the above mentioned issues unfortunately, disintegrated into riotous action.

Due in large part to the sensitivity of the cultural issues being protested, the use of active component forces to quell disturbances was, to a certain extent, both politically and culturally taboo. In addition, the country was at the opening stages of heavy involvement in Vietnam which was seen by many as a war being fought by the underprivileged and minorities. All of these

issues, coupled with low employment and educational prospects for the residents of inner-city areas of the country, played a pivotal role in the tension and agitation of a wide majority of the country's population.

The riots in 1965 also included three key figures who played a part in the response/recovery action as well as after-action reports notably Pat Brown, Governor of California, John McCone, and Warren Christopher. These individual's participation varied across the scope of the riots. Governor Brown's involvement began, obviously, with the inclusion of National Guard forces in quelling the disturbance, and then continued with his formation of the Governor's Commission on the Riots of Los Angeles. Mr. McCone and Mr. Christopher served on the commission as well as serving as advisors to the Governor.

One of the sparks that led to the first case study, the Watts Riot of 1965, was lit by a perceived racially motivated incident. On 11 August, 1965, Mr. Marquette Frye was pulled over by Officer Lee Minikus of the California Highway Patrol. Officer Minikus believed the Mr. Frye was intoxicated, basing this belief on the erratic driving of Mr. Frye. While Mr. Frye and his brother were being questioned a group began to form around the incident which was exacerbated with the arrival of Frye's mother to the scene. The result was the arrest of all three family members, and the incident culminated with a bottle being thrown at the police car.²⁷

This incident triggered the eruption of one of the early large scale, racially motivated riots of the 1960s. The riot lasted for approximately seven days from the time of the arrest until the time the National Guard enforced curfew was lifted. During this time (see Los Angeles Riot [1965] Timeline Appendix 2) more than 34 people were killed and over 1000 wounded in various acts of violence perpetrated throughout the Watts community.

The use of military forces, in this case the California National Guard (CANG), was pivotal to the resolution of the incident. At its high point there were approximately 16,000

²⁷ McCone, John A., and Warren M. Christopher, Violence in the City: An End or a Beginning: 144 hours in August 1965, <http://www.usc.edu/libraries/archives/cityinstress/mccone/part4.html>, pg 1-2.

National Guard troops involved in quelling the Watts Riot. These forces were in either a Title 32 status or State Active Duty (SAD), but never in a federal status (Title 10). Due to the unique nature of Title 32 and SAD, specifically the authority to conduct police and law enforcement activities, the CANG were key support assets to the local police and sheriff's departments of Los Angeles and Los Angeles County.

Whether and how to use of active component forces during the Watts Riot of 1965 was discussed at length by both the Federal Government and the State and City governments in California. Plans for their use covered a myriad of possible scenarios. In the end, active component forces were not used to quell the disturbance. The main reason for this refusal to use federal troops was due, in large part, to the sensitive nature of the event and the desire by the state government to control the situation.

In the aftermath of this riot the Governor of California formed the Governor's Commission on the Los Angeles Riots (1965). This commission was chaired by Mr. John A. McCone, former Director of the Central Intelligence Agency (November 1961 – April 1965), and the Vice Chair was Mr. Warren Christopher who, at the time, was a lawyer in Los Angeles but had served as the Special Counsel to the Governor of California in 1959. Though this commission provided little in the way of recommendations for the use of active component forces during the 1965 Riot, it set the conditions for Mr. Christopher to be a leading voice during the LA Riots of 1992, which will be discussed later in this chapter.

Nineteen Ninety-Two

The beginning of the 1990s was marked with military involvement in Kuwait and Iraq in support of Operations Desert Shield and Desert Storm. With the completion of these operations came a significant push to downsize the military. The Cold War was over, for all practical purposes, and the United States was the victor. The need for a large standing active component force was, according to many politicians, less important and detracted from the concentration on

perceived important domestic issues. However, the need for a well trained, well equipped active component force did not simply disappear with the end of the Cold War.

During 1992, there were almost 43,000 active component forces involved in civil support operations within the United States and its territories. This response and recovery effort covered hurricanes, typhoons, droughts, and riots. In addition to these civil support operations there were also international operations, such as the opening phases of United States involvement in peace keeping in Somalia and other places around the world. The two largest operations, from a force structure standpoint, were the riots that occurred in LA and the aftermath of Hurricane Andrew. Of the approximately 43,000 active component forces involved in civil support operations, just over 38,000 were dedicated to these two INS.²⁸

LA Riot

The proximate cause that set the stage for the LA Riots of 1992 was the arrest and abuse of Mr. Rodney King at the hands of four Los Angeles police officers. The spark which triggered the riots was the acquittal of those four officers in the ensuing police brutality case (see LA Riot [1992] Timeline Appendix 3). The key piece of evidence against these officers, a video tape of them involved in what appeared to be police brutality of a suspect, had created outrage across the community even before the trial began. When the acquittal verdict was announced, in the face of such damning evidence in support of disciplinary action, the city erupted in violence.²⁹ Some of the same themes witnessed in 1965, racial inequality, underprivileged victims, etc. showed up again in the midst of this situation.

The request for federal troops, and the federalizing of the CANG, came quickly based on the advice of Warren M. Christopher. Mr. Christopher's experience base came from his position

²⁸ United States. Department of the Army. Historical Summary Fiscal Year 1992. <http://www.army.mil/cmh-pg/books/DAHSUM/1992/ch03.htm#n6>, p. 49

²⁹ The information provided within this section are a compilation of numerous broadcast news reports, documentary presentations, and published articles dealing with the riots that occurred in Los Angeles in 1992.

as the Vice Chairman of the Governor's Commission on the Los Angeles Riots (1965), he did not want to repeat the mistakes of the past by waiting too long. "The National Guard was very slow to move in and that's fairly typical too. The National Guard is not very effective in these situations."³⁰ In addition, the relationship between the Mayor of Los Angeles, Tom Bradley, and the Chief of Police, Daryl Gates, well known at the time to be tenuous, contributed to the urgency Mr. Christopher felt was necessary to request assistance from active component forces.

The first request for active component forces came from the Governor of California, Pete Wilson, at 0100 on Friday 1 May, 1992. The initial approval was for 4000 active component forces. The first of these forces, Marines from Camp Pendleton, began arriving at approximately 1430 that day. The next to arrive were forces from Ft Ord at approximately 1730. Shortly thereafter the President announced that he would federalize the CANG. The first active component forces were on the street patrolling by 1900 the following day. It wasn't until 9 May 1992 that active component forces began redeploying to their bases and stations. At the high point there were approximately 13,500 active component forces and approximately 9600 federalized CANG troops utilized to quell the riots resulting from the court acquittal.

"During FY 1992, the Army directed or was involved in a number of assistance operations. Among them was the well-publicized deployment by the 7th Infantry Division to Los Angeles, California, to restore order in the wake of widespread riots."³¹

One of the key after action review comments concerned the ability to execute effective C2 and the necessity of a common vocabulary as local forces interacted with this massive influx of active component forces. As an example; at one point during the riot a Los Angeles police officer who was responding to a domestic incident had Marines in a supporting role. After receiving shotgun fire from the house, the police officer shouted "cover me" to which the Marines

³⁰ Mendel, William W., *Combat in Cities: The LA Riots and Operation Rio*, Ft Leavenworth, KS: 1996.

³¹ Carroll, Susan, ed., Department of the Army, Historical Summary: FY 1992, CMH Pub 101-23-1, <http://www.army.mil/cmh/books/DAHSUM/1992/index.htm#TOC>, p. 49.

responded by showering the house with over 200 5.56mm, M-16A2 rounds. What the officer intended was to have the Marines be ready to respond if necessary. The point being that the language and training barrier caused this and other similar incidents of confusion between the supported and supporting force.

Hurricane Andrew

The key actor during this INS was the Governor of Florida, Governor Chiles. His handling of the INS received considerable criticism from politicians, the media, and the various response agencies during the weeks and months following the impact of Hurricane Andrew. This criticism was the catalyst for Governor Chiles' initiation of two programs, one interstate and one intrastate program to assist in future disasters. The intrastate program, the Lewis Committee, had four recommendations for future incidents; "Improve communications among government entities at all levels; strengthen evacuation, shelter, and post-disaster response and recovery plans; enhance intergovernmental coordination, and improve training."³² The interstate program development initiated by Governor Chiles, Southern Regional Emergency Management Assistance Compact (SREMAC), was a joint effort between the members of the Southern Governor's Association. Two key items from the SREMAC state;

"to assist each other with some certainty of the expectations and responsibilities involved, which in turn [increased] the likelihood of their doing so at considerably reduced risk of suit or of great expense. It also allowed states to provide assistance to one another either in advance of FEMA aid where it was forthcoming, or in place of FEMA aid where it was not."³³

These two initiatives were enduring items that continue to be leveraged. The SREMAC, specifically, was further refined. Realizing the importance of what SREMAC could provide across state lines ahead of a disaster and after a disaster got the attention of the federal government. Eventually, Congress signed it into federal law in 1996 under the name EMAC.

³² Suburban Emergency Management Project, Recommendation number 1, http://www.semp.us/biots/biot_351.html, 1992

³³ Ibid, number 2

However, these actions were a result of extreme criticism of the state government's performance before, during, and after Hurricane Andrew struck.

Hurricane Andrew came ashore in South Florida on 24 August as a Category 4 Storm after a six-day trip across the Atlantic Ocean (see Hurricane Andrew Timeline Appendix 4). The damage caused by this storm was, at the time, the worst natural disaster to hit the United States (Further research on the storm, conducted in 2004, has indicated that the storm was actually a Category 5 when it first reached the South Florida coast).

Any indication of the magnitude of the growing storm was unnoticed when the storm began to form off the coast of Africa on 16 August 1992. The last major hurricane to affect Florida was Hurricane Donna in 1960, which hit the Miami area as a Category 4 storm. At the time 16 August, it appeared much the same as any other tropical weather pattern that develops in the Atlantic Ocean during hurricane season. There was no indication based on the technology available at the time that it would develop into the devastating storm that eventually struck the Florida coast.

As the system moved across the Atlantic Ocean the National Hurricane Center (NHC) named it Tropical Depression Andrew and began to track its potential much more closely. It was approximately two days later, sometime during the 22nd of August, that Andrew reached hurricane strength. Over the course of the 22nd and early on the 23rd Andrew continued to gain strength and speed and, according to Dr. Steve Lyons, Tropical Weather Expert, "That's when forecasters really started to get concerned"³⁴

Unfortunately there is little information available that showed similar concern in other agencies of the Florida government or civil organizations. By 23 August, Andrew was designated a strong Category 4 storm and was bearing down on the Bahamas. This resulted in the published hurricane watches in South Florida being upgraded to warnings and final preparations for the

³⁴ Lyons, Steve Dr., The Weather Channel, "Storms of the Century: #10 Andrew", <http://www.weather.com/newscenter/specialreports/sotc/storm10/andrew/page1.html>

anticipated devastation. Early on 24 August, Andrew made landfall with 145mph winds gusting to 170mph. The only solace, according to residents and experts, was Andrew's incredible speed. Within four hours the main assault was finished as Hurricane Andrew passed over land and into the Gulf of Mexico.

Two Thousand Five

In 2005, the United States was four years into the Global War on Terrorism (GWOT) and two years into our execution of Operation Iraqi Freedom (OIF). In addition the DoD was also in the later stages of its largest reorganization in over fifty years. In this same vein the military specifically was still dealing with the transformation of the active component force, an initiative that began prior to the GWOT. Though this transformation was most notable in the Army there were significant transformational issues in both the United States Marine Corps and United States Air Force. All of these issues played a pivotal role in the ability of the active component to effectively and efficiently respond to CONUS and territorial based INS.

Hurricane Katrina

Hurricane Katrina, a Category 3 storm, made landfall in New Orleans on 29 August 2005 (see Hurricane Katrina Timeline Appendix 5). The after-effects of this storm brought, among other things, the notoriety of being the storm that dwarfed Hurricane Andrew in scope, damage, and cost. Katrina was much less intense, with respect to sustained winds and power, than many other hurricanes that have hit the United States. Hurricane Camille, as an example, was a Category 5 storm that hit the United States with devastating ferocity in 1969. Her hurricane force winds were in the neighborhood of 190mph and extended 75 miles from center. Katrina, though possessing less intense winds, had hurricane force winds of 125mph which extended more than 100 miles from center. The effects of the storm are still being felt and addressed some 15 months after its occurrence.

Unlike the National Hurricane Center's initial impressions of Hurricane Andrew, Hurricane Katrina was believed from its inception to have the makings of a major disaster. This increased awareness was due primarily to the improved technology available to the NHC personnel and their greater experience in predicting hurricanes. This is not meant to assume a lack of experience at the NHC during Hurricane Andrew. But in the thirteen years between the two hurricanes, technology improved and NHC experience in dealing with the many variables involved in predicting Atlantic weather patterns became more advanced. The NHC's accuracy in forecasting direction, speed, and damage increased.

Tropical Depression #12 formed on 23 August 2005 off the coast of the Bahamas. By 24 August, it had been upgraded in status by the NHC to Tropical Storm Katrina and its movement toward Florida began to be closely monitored. Katrina made landfall, for the first time, on 25 August. Due to last minute burst of convection (a transfer of heat and energy) it was upgraded and became the fourth Hurricane of the 2005 season. Katrina's trip across Florida caused it to lose strength and energy and its status was downgraded to a Tropical Storm.

However, as it re-entered the warm waters of the Gulf of Mexico after crossing the southern tip of Florida, it strengthened quickly back to hurricane status. Memories of Hurricane Andrew were still haunting many in South Florida and the limited damage that did occur was a welcome relief. Katrina, however, was not finished. Her predicted northeasterly path, toward the panhandle, did not materialize as expected. Instead she maintained a northwesterly track heading directly toward the Louisiana/Mississippi coast.

Katrina's second landfall came on 29 August 2005 at 0610 and had maximum sustained winds of 125mph. Though this wind speed was very significant a dramatic shift, right before landfall, created a significant decrease in energy and dropped the sustained winds from 170mph to the 125mph winds that were present at landfall. The storm surge, however, which in low lying areas such as New Orleans can be more dangerous than the wind, remained at a sustained height of 30ft, with one buoy recording a height of 55 feet.

Katrina's third landfall occurred at 1000 with sustained winds of 120mph. At 0900, the Lower Ninth Ward reported water levels of 6-8ft. By 1100 St Bernard Parish reported water levels of 10 feet and roofs of houses submerged in some places. By 31 August, the majority of Katrina's rage was complete and she was downgraded to a tropical storm moving northwest out of Louisiana, Mississippi, and Alabama. With such catastrophic damage, what was the federal assistance needed, when was it realized, and when was it acted upon? These questions, as they relate to both Katrina and Andrew, are the subject of the balance of this section.

The use of active component forces to assist state, local, or tribal governments, in most cases, must be requested from the senior governmental agency of the affected area. As with any bureaucracy there are specific procedures for these requests and their execution takes time, as does the movement of forces to the affected area. This time delay is usually the main issue of contention during after action reviews of INS. Time also plays a key role in the efficiency and

effectiveness of the response and in the quality of the recovery from INS.

The first item of discussion, with regard to how assistance is secured, is the timing of the Request for Assistance (RFA) (See Figure 4-1³⁵). As an example, the official request for assistance from

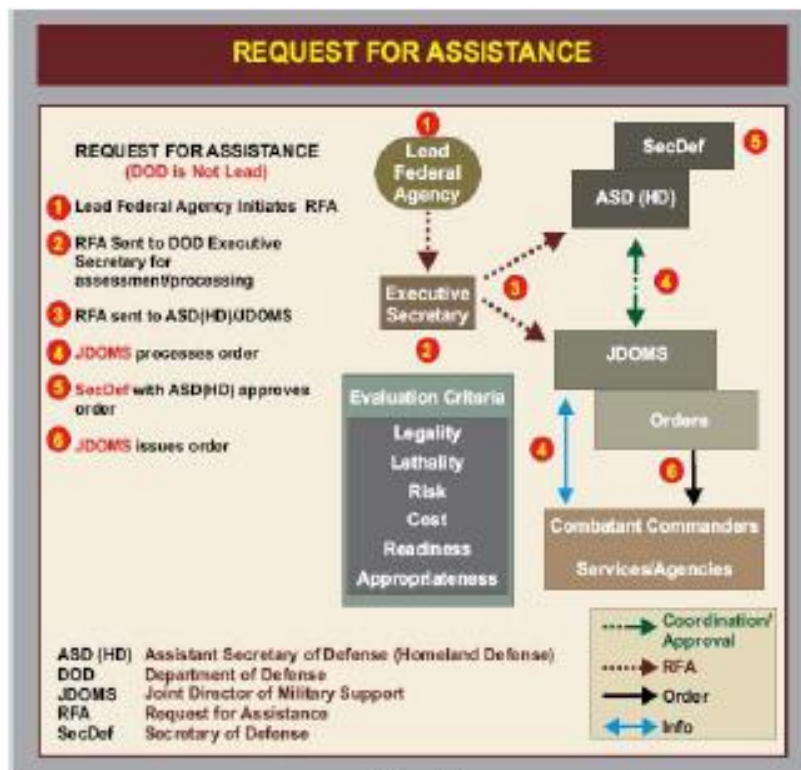


Fig 4-1

³⁵ United States Department of Defense, Joint Publication 3-26, Homeland Security, 02 August 2005, p. 70

Louisiana Governor Blanco to President Bush was executed on 27 August (Saturday before the storm came ashore). In this request Governor Blanco stated, in part, that;

“I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments, and that supplementary Federal assistance is necessary to save lives, protect property, public health, and safety, or to lessen or avert the threat of a disaster. I am specifically requesting emergency protective measures, direct Federal Assistance, Individual and Household Program (IHP) assistance, Special Needs Program assistance, and debris removal.”³⁶

In addition to the above quote the RFA also included discussion of the actions taken at the state level to prepare for the INS. Within the statement were specific comments addressing the fact that she had put into motion the State Emergency Plan in accordance with applicable sections of the Stafford Act. This move, executed on 26 August, assisted in the process of the RFA. On 27 August, FEMA acknowledged that the President had approved the allocation of federal funds to assist the state.

In the wake of Hurricane Andrew in 1992, Governor Chiles received significant criticism, from citizens and politicians alike, for not requesting federal assistance quickly enough. This criticism was widely publicized, a point that was not lost on Governor Blanco in 2005. The issues addressed in 1992 with regard to the leadership response were among the driving forces behind her early request for assistance. When Hurricane Andrew had made landfall the main responder, from a military standpoint, was the National Guard. The National Guard executed the bulk of humanitarian relief, in conjunction with FEMA, and did the standard law-enforcement duties to prevent looting. This situation changed when Governor Chiles made his formal request for federal assistance.

In light of the magnitude of destruction resulting from Andrew, President George W. Bush directed a greater DoD role on 27 August. On that same day, the lead elements of XVIII

³⁶ Governor Kathleen B. Blanco’s RFA to President Bush on 27 August 2005, <http://www.gov.state.la.us/index.cfm?md=newsroom&tmp=detail&catID=1&articleID=778&navID=3>.

Airborne Corps departed for Florida from their base at Ft. Bragg. Elements of the 82nd Airborne Division began arriving on 31 August and were operational upon arrival. Personnel from the 10th Mountain Division joined these soldiers on the 31st of August as well. The end result in Florida was an active component participation of 24,454 personnel who operated humanitarian assistance areas, providing and distributing food and water, and doing debris removal. The National Guard was the primary force executing law enforcement duties as a Title 32 force authorized mission.

In Louisiana, the total active component force numbered 17,417 and executed similar duties to those in Florida. In keeping with the guidance of the NRP the first active component forces were not deployed until the President declared the area an INS. Once this declaration was made USNORTHCOM stood up Joint Task Force – Katrina (JTF-K) and elements of the 82nd Airborne Division, 1st Cavalry Division, and a Marine Expeditionary Unit began deploying to the area. By 7 September, the DoD had 20 ships, 360 helicopters, and 93 fixed wing aircraft, in addition to the above mentioned active component ground forces, involved in the response and recovery efforts of Hurricane Katrina.³⁷

After Action Reviews from the INS discussed in this chapter show some similarities. Three of the cases, Hurricane Andrew, LA Riots, and Hurricane Katrina, all included recommendations specific to National Guard participation and the focus of effort for the training and employment of the National Guard. Reviews from both INS also discussed increasing the DoD's pre-declaration authority. This would allow USNORTHCOM, the responsible RCC for homeland defense, security and civil matters, to pre-position assets and personnel more effectively. This would dramatically affect the efficiency of an active component force response to an INS.

The cases discussed in this chapter are only a small sample of the incidents and situations which have occurred within the United States. In addition they only scratch the surface on the

³⁷ United States. Department of Defense. Defense Department Operational Update Briefing, 06 September, 2006, <http://www.defenselink.mil/transcripts/2005/tr20050906-secdef3862.html>, p. 2

type and scale of the catastrophes that could occur in the future. The potential contributions and solutions that could be provided by the active component forces have been an extremely well discussed and debated topic over the last decade. The events of 9/11 and Hurricane Katrina have only increased this debate. The following chapter makes a more detailed examination of some of the research and discussions that have been brought forward by Congressional mandate as well as the DoD.

CHAPTER FIVE

PUBLISHED RESEARCH

Research into how to better prepare and defend the United States did not start with the attacks of 9/11. Our history is marked with different initiatives, commissions, and groups that have sought to identify and correct deficiencies in our defense and in our nation's abilities to respond to natural disasters. This chapter will examine key research conducted just before and after 9/11 through 2004 to help put the previous chapter's case studies into perspective and to provide a foundation for this researchers recommendations in the final chapter.

The Hart-Rudmann Commission

The Hart-Rudmann Commission report referenced in this document, as discussed in the foundation chapter, is actually the final phase of a three phase investigation. As a review, Phase I was completed in 1999 and Phase II was completed in 2000. The impetus of these two phases was a concern for what the landscape of the world would look like in a quarter century. Concerns ranging from leading governments and military strength to environmental issues were examined. The second phase dealt with the necessary national security strategy to both compete and excel in this new landscape. These two phases have provided the framework from which to view the final phase. This final phase amounts to a roadmap for the organizational changes necessary to meet the coming challenges.

“We have concluded that, despite the end of the Cold War threat, America faces distinctly new dangers, particularly to the homeland and to our scientific and educational base. These dangers must be addressed forthwith.”³⁸

Gary Hart and Warren B. Rudmann 2001

These changes/recommendations were based upon assumptions of the perceived need or requirement by the DoD to:

³⁸ Hart, Gary and Warren B. Rudmann. *Roadmap for National Security: Imperative for Change*. Phase III Report of the U.S. Commission on National Security/21st Century, 2001. p. iv.

- 1) Conduct a comprehensive review of the early 21st Century global security environment, including likely trends and potential "wild cards"
- 2) Develop a comprehensive overview of American strategic interests and objectives for the security environment we will likely encounter in the 21st Century
- 3) Delineate a national security strategy appropriate to that environment and the nation's character
- 4) Identify a range of alternatives to implement the national security strategy, by defining the security goals for American society, and by describing the internal and external policy instruments required to apply American resources in the 21st Century
- 5) Develop a detailed plan to implement the range of alternatives by describing the sequence of measures necessary to attain the national security strategy, to include recommending concomitant changes to the national security apparatus as necessary.³⁹

The primary recommendation to come out of this report was that the National Guard should be given primary responsibility for HLS. Though the emphasis of this recommendation centers on protecting the nation from the next terrorist attack, it has additional merit in that it would provide ready forces to respond to any INS as well.

The Heritage Foundation Homeland Security Task Force

The next major study group was the Heritage Foundation Homeland Security Task Force. The Task Force was formed days after the September 11 attacks, comprised of some of the best homeland security experts in the world, and was asked to make specific proposals on how best to eliminate the vulnerabilities exposed on 9/11.⁴⁰ The results of its research are broken down into four top priorities; Protecting the Nation's Infrastructure, Strengthening Civil Defense Against Terrorism, Improving Intelligence and Law Enforcement, and Military Operations to Combat Terrorism. Each of these top priorities are divided into priorities for accomplishment and further divided into key steps. The applicable top priority for this research is covered in the final priority of the Task Force; "Top Priorities for Military Operations to Combat Terrorism". Under this topic it listed five priorities organic to the subject that would be necessary for success. The two

³⁹ United States. Department of Defense. United States Commission on National Security/21st Century. *Road Map for National Security; Imperative for Change*. Washington DC, p 131.

⁴⁰ Heritage Foundation (Washington, DC). Homeland Security Task Force, L. P. Bremer, and Edwin Meese. 2002. *Defending the American Homeland: A Report of the Heritage Foundation Homeland Security Task Force*. Washington, DC: Heritage Foundatio, p. ix.

relevant priorities of the five are number 1 – Free the National Guard and Reserves for Homeland Security and boost port security quickly; and number 3 – Enhance rear-area military operations to protect the homeland and prepare for terrorist attacks.

One of the key steps recommended by the Task Force, however, to make the first priority possible was to increase the number of combat and combat service support troops within the active component in order to free up National Guard and Reserve forces for HLS. This is an extremely contentious issue that will require much more debate, discourse, and planning than simply signing paper work to increase the Army's end-strength. The second pivotal step, listed in the documentation as key step 4 dealing with the boosting of port security, has been implemented. This maintains, in effect, the status quo.

Priority number 3 (enhancing rear-area military operations) is discussed at length for its impact with both PCA and the Stafford Act. The Task Force does address the fact that neither act is intended to impede the President's use of the active component to respond to terrorist activities. Within the scope of this research, though, it has a greater impact since active component forces are responding to an "Act of God/Nature" INS and not an attack. That being said the six key steps of this priority are either under consideration or already accomplished. In the already accomplished category is key step number 1 where the Task Force recommended that Joint Forces Command (JFC) be designated the lead DoD agency for HLS. In this capacity they serve as the conduit for all military support to civil authority. Though JFC is not the lead agency, the intent of the recommendation has been met with the formation of USNORTHCOM. Applicable agencies, Task Forces, and units that would have fallen under the command and control of JFC now fall under USNORTHCOM as the conduit for all military operations in support of civil authorities.

Though much was discussed over the course of the document, The Heritage Foundation Homeland Security Task Force's main recommendation, with regard to military support of civil authority was to free up National Guard and Army Reserve units for HLS Duty.

“The National Guard and Reserves should not be the only military personnel involved in security; active force units must also be involved. But homeland security will require enhancing the capabilities of National Guard and Reserve units”.⁴¹

As a corollary to this recommendation the commission also made the point that there needs to be a more in-depth knowledge base in homeland defense education and training across all agencies, departments and levels of government. The report further recommended that there be an increase in homeland defense education and training to provide a foundation of cooperation across all states.

The Gilmore Commission

The Gilmore Commission was established by section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction). By Section 1405 the panel (Gilmore Commission) was directed to execute five specific duties⁴²:

- 1) Assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction
- 2) Assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction
- 3) Assess deficiencies in programs for response to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning requirements, and the needs of maritime regions
- 4) Recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents
- 5) Assess the appropriate roles of State and local government in funding effective local response capabilities

Since its inception, The Gilmore Commission has published five editions of its discussions and recommendations for the preparedness and defense of the United States. As they apply to this research the 4th edition is most relevant because it specifically discusses the

⁴¹ Ibid, p. 76.

⁴² H.R. 3616/P.L. 105-261, Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Panel Duties.

effective and efficient response from active component forces combined with both reserve component and National Guard. Encompassed within this edition is a section titled “Improving Military Capabilities for Homeland Security”. This section dealt specifically with the Title 10 and Title 32 issues addressed within this research. Though specific to terrorist activity, the panel’s recommendations do offer significant validity to preparedness for INS in general.

The first of these recommendations was the formation of dedicated Rapid Reaction Units from within the Army. In this sense Army is all-inclusive of active component, reserve component, and National Guard forces in order to have a better trained, equipped, and prepared force to respond to any INS. Currently there are certain active component units with the specific skill sets needed to respond effectively and efficiently to a myriad of domestic incidents and INS. This capability is resident, to some degree, in both the active component and National Guard forces. One of the effects, however, of relying exclusively on these few units for civil support missions is that those skill sets required to operate effectively in a civil support role are in addition to their primary missions.

The Commission’s second broad recommendation was to increase the National Guard’s Civil Affairs capability and to designate certain National Guard units as Homeland Security Units exclusively. In some sense the first part of this recommendation and its resulting increase in the National Guard’s Civil Affairs capability, would have to be a precursor to the initiatives brought out in the first recommendation. It is essential to have trained and knowledgeable personnel embedded within the proposed Rapid Reaction Units to execute civil affairs tasks. Either way it was the Commission’s sincere feeling that, “Additional steps are needed to bring the United States from its current state of preparedness to the panel’s view of America’s New Normalcy.”⁴³

⁴³ Gilmore, James S., Gilmore Commission, V. Forging America’s New Normalcy: Securing Our Homeland, Preserving Our Liberty. Washington DC, 2003, p. 22

RAND Arroyo Center Study

The final study to be examined is the 2004 RAND Arroyo Center Study “Army Forces for Homeland Security”. RAND was commissioned to do a study on Army Forces for Homeland Security and the report “explores whether the Army should do more to hedge against the risks of being inadequately prepared for HLS tasks.”⁴⁴ This study, with regard to recommendations, is the most in-depth and exploratory. The lack of political involvement in the process, in favor of Army sponsorship, provides extra insight into the cause and effect relationship created by these, and previous, recommendations.

There were five key recommendations that were presented, by RAND Arroyo, upon completion of the study. 1) Improve National Guard Homeland Security capabilities; 2) Create a dedicated Rapid Reaction Brigade (RRB); 3) Provide rapid and dedicated Combating Terrorism Force; 4) Give the National Guard primary responsibility for Homeland Security; and 5) Create a dedicated USAR Support Pool for Homeland Security. All five recommendations are valid and executable with some adjustments.

Each recommendation is divided into four sub-sections for clarity and continuity; Characteristics of Response, Training, Legal Issues, and Command and Control. In the final section of the recommendations the study charts out the benefits of each of the five recommendations and graphically depicts which of the five is the most beneficial. All five provide significant increases in readiness for HLS missions, but each come with associated costs in a monetary sense, a legal sense, and in a manpower sense. As an example – the first and fourth recommendations, mainly applicable to the National Guard, require significant modifications in Title 32 funding. Currently these funds are restricted for training and readiness for conventional operations, not HLS. These two recommendations also have command and control implications.

⁴⁴ Davis, Lynn E., Richard R. Brennan, Michael D. Greenberg, K. Scott McMahon, David E. Mosher, and Charles W. Yost, *Army Forces for Homeland Security*, Santa Monica, CA: RAND Corp, 2004.

The National Guard forces involved would remain under the command and control of the Adjutant General of the affected state vice under USNORTHCOM, which is the advocate for all HLS issues. USNORTHCOM would still exercise coordination authority over all military forces in the area regardless of Title 32/10 status. However, if these forces become federalized they would then fall, operationally, under USNORTHCOM.

As discussed above, all five of these recommendations are viable and provide the United States with a better equipped, trained, and ready force for HLS missions. However, of the five the RRB provides the best capability at the smallest cost. It is more responsive and available, and the force can be specially trained and it does not affect the active component force's overseas readiness for conventional operations.

Though the main emphasis of this RAND's research is on countering terrorist activity and preparing forces for HLS, there is applicability across the spectrum of response to deal with INS that is not in the realm of an attack or terrorist action. The skill sets necessary for the responding units, be they active or reserve component or National Guard, will be similar regardless of the cause of the INS. As an example – the emphasis on civil affairs and medical care will be no different if the INS is a terrorist explosion on the magnitude of 9/11 or a hurricane similar to Katrina.

The focus of the above research has been on potential mitigation of terrorist events. However, all of the discussed recommendations provide legitimate insight into an increasingly dangerous problem; how to establish mechanisms to provide a more safe and secure United States. The purpose of this research, and the direction of this researcher's recommendation, is to examine the current situation, the available research, incorporate this researcher's recommendation, and determine the best course of action to ensure the protection of life, preservation of property, and prevention of suffering within the United States.

RECOMMENDATIONS

The ability for the active component forces to assist civil authority effectively and efficiently is predicated on clear lines of communication between the federal, state, local, and tribal leadership. The overarching objective of all of these organizations and units is the safety and security of the citizens of the United States. Regardless of the origin of a disaster, be it

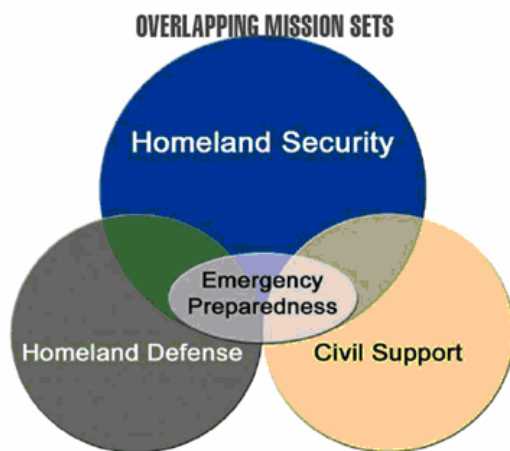


Fig 6-1

natural or terrorist in nature, the requirement and duty to preserve life, prevent suffering, and protect property lies at the foundation of why the government and military exist. For the active component force's part there must be a balance struck between the key aspects of protecting the United States (Homeland Security, Homeland Defense, and Civil

Support). As has been discussed over the course of this research the joining element of these three aspects is in Preparedness (see figure 6-1⁴⁵).

Recommendation

There needs to be an established Rapid Reaction Unit (RRU) per FEMA region (see figures 6-2⁴⁶ and 6-3). This unit must have a scalable response capability that is driven by the severity of the INS and be trained in the skill sets, beyond the necessary Homeland Defense missions, required for its specific region. As an example; those units designated as the RRU for Southern California need to be trained to deal with all aspects of a major earthquake or major

⁴⁵ Department of Defense, United States Army Transformation Roadmap, 2003, p. 6-1.

⁴⁶ United States Department of Defense, Joint Publication 3-28, Civil Support; First Draft, 30 June 2006, p. 29.

wild fire. This should be established on a rotational basis similar to the “fly-away” capabilities resident in the Marine Corps and the Army. In addition while the unit is in this “on-call” status its primary mission should be HLS and INS response. All training



Fig 6-2

should be focused primarily on this mission. In order to maintain currency and effectiveness this Brigade should be rotated on a six month cycle. This provides ample time for relief in place type

I- USA	Severe Seasonal Storms	operations between in-coming and out-going
II- USA/USN	Severe Seasonal Storms	
III- USMC/USN	Seasonal Storms/Hurricanes	Brigades while maintaining maximum
IV- USMC	Hurricanes	
V- USN	Severe Winter Weather	currency in training and readiness. To be
VI- USA/USMC	Hurricanes/Tornados	
VII- USA	Tornados	truly effective this RRU must be examined
VIII- USAF/USA	Winter Weather/Wildfires	
IX- USMC/USA	Earthquakes/Wildfire/Tsunami	and then established in line with four key
X- USA/USN	Wildfires/Tsunami	

Fig 6-3

areas; Command and Control, Funding,

Construct, and Composition. The first area that must be established is the command and control of these RRUs.

Command and Control

Effective communication is one of the most important aspects involved in the command and control of any INS and will play a pivotal role in the quality of the response. Many of the After Action Reviews from previous INS have addressed the fact that communication among different agencies (i.e. active component forces, civil authority, National Guard, etc) was difficult to impossible at times due to the different systems and equipment each agency possessed. With the direction given in HSPD-5, and the publishing of the NIMS and NRP, this issue is being mitigated. The important point, though, is that these RRUs must be effectively trained and

educated on all these systems. One of the key systems that must be understood and implemented is the Incident Command System (ICS) which is;

“A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.”⁴⁷

This system will form the foundation for communications across the spectrum of the INS between all responding and supporting agencies. The ability to enable this level of communication will increase the capability of the Incident Commander to maintain command and control over all deployed forces, be they military or civil in nature. This ability is predicated on the establishment of a Unified Command construct.

The need for Unity of Command has been discussed in previous studies and research as the key to effective and efficient execution of response and recovery during an INS. In many instances the term “Unity of Command” and a similar term, “Unity of Effort”, have been considered synonymous. This has the potential of generating confusion within the operational environment of an INS. For clarity these two terms are defined below.

Unity of Command All forces are under one responsible commander. It requires a single commander with the requisite authority to direct all forces in pursuit of a unified purpose⁴⁸.

Unity of Effort Requires coordination and cooperation among all forces even though they may not necessarily be part of the same command structure toward a commonly recognized objective⁴⁹.

At the time of the publishing of most of the studies, USNORTHCOM, currently the responsible command for any incident occurring within the United States, had not been

⁴⁷ United States. Department of Homeland Security. National Response Plan, Washington DC. December 2004, p. 66

⁴⁸ United States. Department of the Army. FM 100-5, pg.2-5

⁴⁹ Ibid

established. The rationale behind the creation of an additional Regional Combatant Commander in the United States was for the very purpose debated in both the previous studies and this researcher's discussion above. As the main command and control entity for HLS, USNORTHCOM must maintain the capability to coordinate, across component and agency lines, all activities concerning any INS. To this end it is essential that all forces involved in the response and recovery of an INS fall under the operational control of one entity.

This fact was addressed in one of the previous studies, and for emphasis, is re-addressed here. A potential solution to forces coming from the active component, reserve component, and National Guard is to make all forces, while part of the RRU, Title 10. National Guard units would fall under the operational control of USNORTHCOM vice their state's Adjutant General until rotated out of RRU status. This course of action, though, presents additional issues that will require legislative action to effectively and efficiently integrate National Guard units into a Title 10 force which will be addressed in the following sections.

Composition

It is essential that these RRU's be a mix of active component, reserve component, and National Guard forces. Due to the current operational tempo and the current and perceived future environment the manpower issues would be too severe for one component (AC/RC/NG) to handle exclusively. Because of this intermixing of forces there will have to be allowances made for Title 10 and Title 32 issues. As will be addressed in the funding discussion, money will have to be allocated to these units to both prepare for assignment as well as maintenance of required skill sets.

What must also be considered is the effect on law enforcement capability by pulling Title 32 forces into a Title 10 role. Due to PCA the state forces supporting the RRU would be unable to execute essential law enforcement functions while members of the RRU. A possible solution would be to establish a coordination authority between the National Guard Bureau and the RRU

command element to facilitate the use of additional National Guard forces to perform the needed law enforcement operations necessitated within an INS.

In addition to the addressed issues of funding and law enforcement capability there must also be provisions, within the legislation, that will allow National Guard forces of one state to operate under the authority of another state, should an INS cross FEMA Regions or state borders. This interstate border issue is addressed by ensuring Unity of Command. Making all forces Title 10 while assigned as part of an RRU will mitigate most state issues. It also alleviates training funds while in an RRU status. The recommendations from previous research are very in-depth and constructive. This researcher's recommendations, as well, consider many of the previous thoughts and ideas on how to better respond to and recover from INS in a more effective and efficient manner using active component forces. However, key among the addressed issues, specifically when considering the use of Title 32 forces in an Title 10 role, is the method of funding for these units.

Funding

Realizing the formation of this RRU concept there needs to be a re-examination of the Title 10 (Armed Forces) and Title 32 (National Guard) funding legalities. Current legislation does not effectively account for the necessary funding for National Guard forces while executing or preparing for assignment to long term recurring missions with an RRU construct. To a lesser degree it also requires a brief examination of Title 37 (Pay and Allowances of the Uniformed Services), specifically § 1012 which deals with payment to National Guard enlisted personnel.

The issue of funding, with regard to National Guard forces supporting Title 10 commands and operations, has been addressed in multiple places across this research and that of previous studies. Currently Title 32, Chapter 9, § 902 states that;

“The Secretary of Defense *may* provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary, determines to be necessary and appropriate for participation of the National Guard units or members, as the case may be.”⁵⁰

The fact that the wording of § 902 states “May” is one of the critical areas that must be examined. To effectively and efficiently employ National Guard forces as Title 10 members of the proposed RRU represents the first major change. A potential change would read;

“The Secretary of Defense will provide funds to a Governor to employ National Guard units in support of Regional Rapid Reaction Units. Funding will encompass training and readiness prior to assignment and maintenance funding while assigned. In addition funds will be allocated for maintenance of required skill sets by regional focus.”

The funding addressed in section 902 above is further restricted by what the funding can cover (section 905 Funding assistance) and what the request for funding shall include (section 906 Request for Funding Assistance). This is far from the efficient process that would allow for the expeditious training and employment of an RRU composed of Title 10 (active and reserve component) forces and Title 32 (National Guard) forces. The current Title 32 provisions will have to be amended in order to reflect the necessity for a seamless Unity of Command construct that would maintain training across the force, regardless of title affiliation.

An additional amendment to Title 32, Chapter 1, would also be required with §113. This section covers Federal financial assistance for support of additional duties assigned to the Army National Guard. Again this would encompass a change in wording, or an additional section, mandating federal funding for National Guard units assigned to the RRU.

The final area of examination deals with Title 37 § 1012; Disbursement and accounting: pay of enlisted members of the National Guard. This section discusses the time period in which enlisted members of the National Guard may be paid, in 3-month increments, for regular periods of duty and instruction. This section must be amended in order to ensure that the required

⁵⁰ U.S. Code Collection, Cornell School of Law,
http://www.law.cornell.edu/uscode/uscode32/usc_sec_32_00000902----000-.html.

training and education is being conducted in accordance with the relevant operational plans and directives for the given regional area. As an example, the change should encompass the direction that training and education be consistent with the nature of the duties to be performed and be covered within a time period that will facilitate meeting the training and readiness competencies required, or dictated, by the regional RRU.

Construct

These RRU's need to be built upon a Marine Air Ground Task Force (MAGTF) or Brigade Combat Team (BCT) construct. Units would be HLS Brigades and be trained and equipped to meet the potential INS challenges of their region of responsibility. Each Brigade should have a Military Police Unit (National Guard), Heavy Engineer Unit (AC/RC/NG), Medical Unit (AC/RC/NG), Communications Unit (AC/RC/NG), Transportation Unit (AC/RC/NG), and a multi-purpose unit of Infantry or Provisional Infantry (National Guard). The ability to rapidly deploy the advance echelon within 4 hours of notification should be the standard.

This advance echelon should include the forward command post personnel, initial communications suite, medical team, and military police. The primary purpose or task for this unit is to coordinate with the local civilian law enforcement and governmental agencies and assess the situation. This will dictate the unit, skill set, and timing of the follow-on echelons and will increase the efficiency of the response and will be tied to regional OPLANs.

Regional Operational Plans

The key items of this RRU; Command and Control, Composition, and Construct, will be regionally focused. This regional focus will be accomplished through training, education, and the development of applicable OPLANs for each region. These OPLANs are designed and built within each of the ten regions under the Future Plans section of the RRU and then vetted through

USNORTHCOM J-5 to ensure required support is provided. One item that currently exists that can assist in the development of these OPLANs is CONPLAN 2501-05. Currently CONPLAN 2501-05 is resident within USNORTHCOM and deals specifically with DSCA during INS. This CONPLAN was developed in 2005 to serve as a military link between the DoD and the NRP and could provide the foundation for the construct of the regional OPLANs.

The questions at this point are; would these recommendations have improved the situations that existed in the case studies presented? And how, if similar incidents occur in the future, will this construct assist active component forces in protecting the life, preserving the property and preventing the suffering of the citizens of the United States?

Current Recommendations with Regard Previous INS

Hurricanes

Hurricanes Andrew and Katrina provide similar issues with regard to the response of active component forces. The key problem with the federal response to Hurricane Andrew resulted from the slow reaction by state officials to request federal assistance. Once the request was made the federal assistance proved to be very responsive. Unfortunately, in this case, the lag time between realizing the need and requesting the assistance caused significant issues across civil and military lines. As discussed earlier the RFA for federal assistance for Katrina was submitted from the Governor of Louisiana to the President arrived on 27 August, two days prior to Katrina making landfall. In addition to the submission of the RFA the President had already declared the region a National Disaster. Unfortunately, the various state and federal bureaucracy involved in the use of active component forces in a state emergency still caused significant coordination problems, even though the request was acted on more quickly than Hurricane Andrew.

Could an RRU construct have improved the quality, quantity, and effectiveness of the federal response to either of these INS? The short answer is yes. However it still necessitates

effective communication between the state and federal entities involved. The ability, as is recommended above, for Title 10 forces to be on the ground within four hours assessing the situation and making recommendations to both state and federal leaders is imperative. In the opening phases of both of these hurricanes, days before landfall vice after landfall, having a coordination center in place to gauge the potential effects of the INS, establishing the Incident Command Post and ICS, and keeping all agencies informed and involved would have expedited the movement of civilians out of the area and support into the area of operations. INS that occur due to environmental conditions will always encompass more questions than answers and will inject friction to a greater degree than most situations, simply due to the nature of the incident. Civil disturbance situations like riots, though, bring their own batch of friction and questions.

Riots

The riots in LA in 1965 and 1992 were similar in the level of violence brought against property and citizens. They were vastly different, though, in the area affected. Watts was restricted to a small neighborhood area and some spill-over, whereas the riots of 1992 encompassed roughly 32 square miles.

There were discussions at all levels about the use of active component forces to quell the riots in Watts. The decision not to use them was made on the basis of the size of the area and the cultural issues of the times. Watts was viewed, by the civilian leadership of the time, as a race motivated riot. To use active component forces in the quelling of an “uprising”, seemed to be a dangerous avenue based on the cultural mindset of the 1960s. Though after action reviews show that there would have been significant advantages to injecting active component forces early, this was based on hindsight. These after action reviews, specifically the Governor’s Commission on the Los Angeles Riots, did influence the decision to use active component forces in 1992.

The announcement of the court’s decision to acquit the officers involved in the Rodney King incident was the catalyst that started the 1992 riots. The recommendation of the civilian leadership to request federal assistance was due, in large part, to the study mentioned above. The

fear of having mistakes made in 1965 repeated in 1992 was significant. What advantage, if any, would the RRU have provided either case?

The capability to get “boots on the ground” quickly is essential. USNORTHCOM, as the RCC responsible for INS within the United States, must have the ability to assess the situation as soon as possible. A dedicated force that can execute command and control capability, across all agencies, could have mitigated much of the situation. As an example, the initial police response was to remain removed from the hot spots and, it was hoped, let the situation burn out. This lack of action created a greater problem as the situation worsened. The longer law enforcement personnel “waited in the wings” the worse the situation became. Had the emphasis been placed on mitigating the situation vice maintaining a “wait and see” posture certain elements of the situation (ie looting and isolated rioting) could have been brought under control. Unfortunately the nature of the incident, being racially motivated, caused a significant concern with regard to being too heavy handed in the resolution of the crisis. As a direct result of this hesitation there was little information and assessment possible because there were no forces specifically dedicated to gathering the required information. What benefit, though, is the previous research and how does it contribute to the enhancement of the active component’s ability to execute civil support missions effectively and efficiently?

Benefit of Previous Research

The previous research examined provides some telling evidence of the direction that should be followed with regard to HLS. All of the studies, in one form or another, recommend an increase in the emphasis placed on the National Guard in the prosecution of HLS missions. The second most prevalent recommendation is the formation of Rapid Reaction Units as a means to pre-position qualified forces in areas across the country so as to be able to respond quickly as an INS developed. The fact that these studies were commissioned at all shows the gravity of the situation with respect to the current perception of the military’s response capability. The primary

benefit provided by the previous research is that the road map toward improvement, across all agencies, has been established.

Issues of Contention with Current Recommendation

The most contentious issue that must still be addressed, and is beyond the scope of this research and recommendation, is an in-depth look at how to ensure the RRU retains its necessary freedom of action during an INS without violating the Posse Comitatus Act. Under the current construct recommendations all forces become Title 10. This poses a significant problem for National Guard forces once they fall under Title 10 authority. At that point they lose those powers granted under Title 32.

One possible solution is enacting the President's authority under the Insurrection Act. This option, however, brings with it significant concerns and, in truth, should only be utilized in extreme situations. A second more palatable option would be akin to the current Memorandum of Understand (MOU) construct in existence between the various National Guard forces across the nation. In an effort to maintain, as much as possible, the concept of Unity of Command there would need to be an MOU of sorts between the commander of the RRU and the Governors/State Attorney's General of each region.

This MOU would, in effect, provide the framework to maintain a single commander during an INS. The RRU commander would have his forces (AC/RC/NG) that are all Title 10, but would also maintain Tactical Control (TACON) of required National Guard units not assigned to the RRU to perform those duties that fall under the PCA and deemed illegal for Title 10 forces. Since TACON provides for the use of forces for a set mission and set period of time it shouldn't have an impact on the Title 32 responsibilities of the TACON National Guard force.

This construct does present a potentially tenuous relationship between the RRU commander and the state leadership in the region. It is incumbent upon the RRU commander to both establish and maintain this relationship in order to maintain Unity of Command during the

INS. To rely solely on a Unity of Effort mindset will provide for inefficient execution of required tasks and missions and potential confusion within the command and control structure of the RRU.

Conclusion

The ability for the United States' active component forces to preserve the life, protect the property, and prevent the suffering of the United States' citizenry is a non-negotiable subject.

The question remains, though, how active forces may contribute in a more efficient and effective role while meeting the legal requirements as set forth by our civilian leadership? The formation of RRU's that mirror each FEMA region is the first step. Step two is building these units with the skill sets necessary for each region (earthquake and wild fire in region IX). This step would also entail a modification of the Title 32/Title 10 funding processes and procedures to ensure that National Guard forces are given the assets to maintain these skill sets when in an off rotation RRU cycle. These units must also possess a heavier emphasis on Military Police and Engineers due to the necessity to patrol and re-build areas impacted by an INS. Military Police and Engineer forces should come primarily from the National Guard contingent. As residents of the area they will be more familiar with local law enforcement and civil engineering requirements in a post disaster situation.

The third and final step would entail the construction of C2 architecture, under the purview of USNORTHCOM, with the assigned forces all in a Title 10 status regardless of parent component (AC/RC/NC). The result of these three steps is a MAGTF/BCT construct, trained and equipped for regionally specific disasters, under the C2 of a single command, and able to provide a rapid response to any INS nationwide. Without a response mechanism of this magnitude the next INS will result in much the same situation as was experienced in August of 2005. The task now is to transition from studies, commissions, and research to action and execution in an effort to ensure the protection of life, preservation of property, and prevention of suffering of the citizens of the United States.

APPENDICES

Appendix 1 - Definitions

Homeland Security Presidential Directive - Five (HSPD-5) –

Purpose: To enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.⁵¹

Policy: To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management.⁵²

National Incident Management System (NIMS) – This system provides a consistent nationwide template to enable Federal, State, local, and tribal governments and private-sector and nongovernmental organizations to work together effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity, including acts of catastrophic terrorism.⁵³

National Response Plan (NRP) – an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents.⁵⁴ The NRP does not have to be executed in total but can be incrementally instituted based on the situation.

Federal Response Plan (FRP) – The Federal Response Plan (FRP) establishes a process and structure for the systematic, coordinated, and effective delivery of Federal assistance to address the consequences of any major disaster or emergency declared under the Robert T. Stafford

⁵¹ United States. Department of Homeland Security. *Homeland Security Presidential Directive – Five*, Washington DC: 28 February, 2003.

⁵² Ibid

⁵³ United States. Department of Homeland Security. *National Incident Management System*, Washington DC. 01 March, 2004, p. 6.

⁵⁴ United States. Department of Homeland Security. *National Response Plan*, Washington DC. December 2004, p. 5.

Disaster Relief and Emergency Assistance Act, as amended (42 U.S. Code (U.S.C.) 5121, *et seq.*).⁵⁵ This plan was superseded by the NRP in 2004.

Emergency Support Functions (ESF) – The purpose of the ESF is to establish a comprehensive, national, all-hazards approach to domestic incident management across a spectrum of activities including prevention, preparedness, response, and recovery.

Defense Support of Civil Authorities (DSCA) – Is defined in the National Response Plan, 2005 as Department of Defense support provided by Federal military forces, DOD Civilians and contract personnel, and DOD agencies and components, in response to requests for assistance during domestic incidents to include terrorist threats or attacks, major disasters, and other emergencies.

Military Support of Civil Authorities (MSCA) – As defined in DoD Directive 3025.1 MSCA are those activities and measures taken by the DoD Components to foster mutual assistance and support between the Department of Defense and any civil government agency in planning or preparedness for, or in the application of resources for response to, the consequences of civil emergencies or attacks, including national security emergencies. MSCA was superseded in 2006 by DSCA.

Incident of National Significance – According to the National Response Plan (NRP), and based on criteria established in HSPD-5 (paragraph 4), is an actual or potential high-impact event that requires a coordinated and effective response by and appropriate combination of Federal, State, local, tribal, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities.

Federal Emergency Management Agency (FEMA) – Established in 1979 by President Carter to develop plans for communities, and the country, to prepare for hazardous weather situations. This was a cabinet level position answering directly to the President. Since 9/11, FEMA has become a part of the Department of Homeland Security.

⁵⁵ United States. Federal Response Plan, Washington DC. January 2003, p.15.

Department of Homeland Security (DHS) – Created in the wake of 9/11. The creation of DHS represents the largest governmental reorganization since the Defense Reorganization Act of 1947.

United States Northern Command (USNORTHCOM) – Created after 9/11 as a Regional Combatant Command responsible for the North American continent. Included in the new USNORTHCOM was NORAD, the North American Aerospace Defense Command

Joint Task Force – Civil Support (JTF-CS) – This joint task force was created in 1999 as the lead in mobilizing active and reserve military personnel and resources in the event of an attack on the United States. After 9/11 JTF-CS became a subordinate organization to USNORTHCOM

Lead Agency (LA) – With regard to response and recovery missions in support of Incidents of National Significance, the Lead Agency is that group that has been designated by the NRP and NIMS to be operating command and control of the situation. This designation could potentially, change over the course of an incident based on the scope of the disaster.

Synchronization – per JP 1-02; The arrangement of military actions in time, space, and purpose to produce maximum relative combat power at a decisive place and time.

Tactical Control – per JP 1-02; Command authority over assigned or attached forces or commands, or military capability or forces made available for tasking, that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned.

Memorandum of Understanding – per AR 25-50: A prescribed format for documenting mutually agreed to statements of facts, intentions, procedures, and/or parameters for future actions and matters of coordination.

Appendix 2 - Los Angeles Riots, 1965 (Watts), Timeline

Wednesday, August 11, 1965

07:00 p.m. Marquette Frye arrested at 116th Pl & Avalon

08:00 p.m. Scattered outbreaks of violence

Thursday, August 12, 1965

04:00 a.m. Some incidents during the late night-early morning

02:00 p.m. Athens Park meeting sponsored by community leaders
to cool things out; tempers are still high and one teenager threatens
to "burn" neighborhoods; this clip is shown on TV news

07:30 p.m. Crowds gather at site of arrest; scattered incidents

Friday, August 13, 1965

05:00 a.m. LAPD withdraws most officers from area

09:00 a.m. More crowds gather; scattered incidents

11:00 a.m. 3,000 people in street; LA Mayor Yorty requests Guard

01:00 p.m. Lt. Gov Anderson returns to LA; does not call Guard

03:00 p.m. Major fires start to break out

05:00 p.m. Order to send out Guard signed

10:00 p.m. First Guard units deployed on streets of Watts

12:00 a.m. Friday night most severe; fires, violence, killing

Saturday, August 14, 1965

03:00 a.m. 3,300 Guard troops on streets of Watts

12:00 p.m. Peak deployment reached: 13,900 troops on streets

Sunday, August 15, 1965

08:00 a.m. Curfew and checkpoints established

09:00 p.m. Scattered fires and violence

Monday, August 16, 1965

05:00 p.m. Violence and arrests winding down

Tuesday, August 17, 1965

07:00 p.m. Curfew lifted

Appendix 3 - Los Angeles Riots, 1992, Timeline

Wednesday April 29, 1992

1515 Acquittal verdicts announced in the trial of police officers accused of beating Rodney King.

1850 Rioters beat and nearly kill truck driver Reginald Denny as a television crew captures both the horror of the incident and the absence of Los Angeles Police Department (LAPD) officers. Hundreds of arson and looting incidents begin.

2100 The California governor's office informs the adjutant general that the governor has decided to mobilize 2000 California National Guard (CANG) troops at the request of the LA mayor.

Thursday April 30, 1992

Dusk-to-dawn curfew is imposed in large portions of the city of LA and the surrounding county.

0400 Approximately 2000 CANG soldiers have reported to armories.

1100 LA County requests 2000 more CANG personnel; the governor approves the request.

1350 Ammunition from Camp Roberts (in central California) arrives in LA area via CH-47 helicopter.

1435 The first CANG elements deploy in support of the LAPD and the LA Sheriff's Dep.

2000 About 1000 CANG troops are currently deployed "on the street," with more than 1000 more prepared to deploy and awaiting mission requests from law enforcement agencies.

2356 LAPD and LASD request 2000 additional CANG troops, for a total of 6000.

Friday May 1, 1992

0100 Perceiving the CANG deployment to be too slow, the governor requests federal troops.

0515 The President agrees to deploy 4000 federal troops to LA.

0630 Approximately 1220 CANG soldiers are deployed in support of LAPD; 1600 are deployed in support of LASD; and 2700 are in reserve awaiting missions.

1430 Active component Marines from Camp Pendleton, California, begin arriving in the LA.

1630 Commander, Joint Task Force-Los Angeles (JTF-LA) arrives in LA area.

1730 Active component soldiers from Ft. Ord, California, begin arriving in the LA.

1800 The President announces that the CANG will be federalized.

Saturday May 2, 1992

0400 Final plane with active component soldiers arrives.

1100 Approximately 6150 CANG troops are deployed on the street, with 1000 more in reserve; 1850 soldiers from the 7th Infantry Division are in staging areas; Marines prepare for deployment.

1900 First active component troops deploy on the street; a battalion of Marines replaces 600 CANG soldiers.

2359 More than 6900 CANG soldiers are deployed, with 2700 more in reserve. Approximately 600 Marines are deployed, but most active component Army and Marine Corps personnel remain in staging areas.

Saturday May 9, 1992

1200 CANG reverts to state status, ending federalization; active component forces begin redeploying home.

Wednesday May 13, 1992 – Wednesday May, 27 1992

CANG releases troops from state active duty, returning them to "part-time" status.

Source: Compiled from Harrison (1992), Delk (1995), and various CANG after-action reports

Appendix 4 - Timeline – Hurricane Andrew

Timeline for Hurricane Andrew, 1992			
August 16	Tropical Depression Develops	August 23-24	Andrew devastates northern Bahamas
August 17	Tropical Storm Andrew named	August 24	Landfall in Southern Florida
August 22	Andrew reaches hurricane strength	August 25	Final Assault - Gulf Coast

Appendix 5 - Timeline – Hurricane Katrina

Timeline for Hurricane Katrina, 2005			
August 23	Tropical Depression 12 develops	August 26	Katrina becomes a Cat 2 hurricane with predictions of becoming a Cat 3
August 24	Designated Tropical Storm Katrina	August 27	Warning from NHC that Katrina was heading for New Orleans
August 25	Designated Hurricane Katrina, makes landfall in FL	August 28	Katrina becomes a Cat 4 and then Cat 5

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